

FINAL PLANNING APPLICATIONS FOR 19TH SEPTEMBER 2005

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BACKGROUND PAPERS

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representations section with a report.

Any information referred to is available for inspection in the Planning Offices of the Council at the Compass Centre, Chatham Maritime, Chatham.

1 MC2004/1729

Date Received: 30th July 2004

Location: Lower Lines site, Prince Arthur Road / Medway Road, Gillingham, Kent.

Proposal: Conservation Area consent for the demolition of buildings to facilitate the construction of a college campus

Applicant: Mid Kent College / Holdfast C/O The Agent

Agent: Mr J Sharkey John Sharkey & Co 86 Hatton Garden London EC1N 8QQ

Ward: River

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 No development shall take place until the developer has secured the implementation of:
 - a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - b) following on from the evaluation, any safeguarding measures to secure preservation in situ of important archaeological remains and/or further archaeological investigation and recording shall be in accordance with a specification and timetable which has been submitted to and approved in writing by the Authority.
- 3 Demolition is to be confined to the buildings and structures shown on the applicant's site survey plan ref. 0306.
- 4 No demolition shall take place until any buildings and above ground structures on the site have been the subject of a survey for protected species and the submission to and approval by the Local Planning Authority in writing of any associated mitigation measures including a timetable for their implementation. The mitigation measures shall thereafter be undertaken in accordance with the approved details.

- 5 The proposed works of demolition shall not take place until a contract has been signed for the building of a new college on the site in accordance with a planning permission granted by the Local Planning Authority unless otherwise first agreed in writing by the Local Planning Authority.
- 6 No trees shall be felled or works undertaken to any trees on site to facilitate this consent without the prior written approval of the Local Planning Authority.

For the reasons for this recommendation for approval please see Planning Appraisal section and conclusions at the end of this report.

Site Description

The site lies on the west side of Medway Road and Prince Arthur Road between Khyber Road and the southern end of Kelly Avenue. It contains a number of structures including a pair of cottages and is in a disused and overgrown condition.

Proposal

The proposal is to clear existing building structures on site in preparation for the redevelopment of the site for the construction of a new College Campus.

The site is within a Conservation Area, hence Conservation Area Consent is required for removal of buildings.

There are a large number of trees within the site, none enjoys the protection of a Tree Preservation Order but those which fall within the standard definition of a 'tree' (i.e. which has a stem of more than 75mm diameter at a point 1.5 metres above ground level are protected from felling or lopping by virtue of the provisions of Section 211 of the 1990 Act.

Relevant Planning History

MC2005/0647	Construction of a college campus with a gross floor area of 28,510 square metres. For consideration on this agenda
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Representations

The application has been advertised on site and in the press as development affecting the setting of a Conservation Area.

Public consultation is not normally undertaken in respect of an application for Conservation Area Consent but in this instance consultations were undertaken with relevant statutory bodies, English Heritage, the Ancient

Monuments Society and Kent County Council (Heritage Conservation – Archaeology).

No responses specific to this proposal have been received.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV17	Conservation Areas
Policy ENV19	Listed Buildings

Medway Local Plan 2003

Policy BNE12	Conservation Areas
Policy BNE20	Scheduled Ancient Monuments
Policy BNE21	Archaeological sites

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL7	Conservation Areas
Policy QL8	Archaeological sites

Supplementary Planning Guidance
Brompton Lines Conservation Area Guidance (draft)

Planning Appraisal

The site is generally overgrown but has a number of above ground level buildings and structures in varying states of disrepair. It is not considered that any of this contributes in any way to the character of the Conservation Area so there is no objection to the demolition of these structures.

Objection has however been raised by English Heritage to the potential effect of new development on the site on buried artefacts associated with the outer foundations of the Lower Lines.

Although these lie beyond the boundaries of the Scheduled Ancient Monument, E.H. consider that they are likely to be significant and that new development should not take place before a full programme of Archaeological fieldwork has been undertaken.

It is therefore suggested that no demolition work be undertaken before such work has been carried out. A suitable condition is recommended on both this application and for the application for the new college campus.

Similarly, it was considered by Kent Wild Life Trust and others that information submitted with the planning application in respect of wildlife and protected

species was not sufficient to support granting planning consent at this stage and that further work needed to be undertaken in respect of reports of nesting bats on the site.

A likely roost for bats would be in disused buildings so it is suggested that a condition be imposed precluding demolition until such time as any necessary studies and mitigation measures had been carried out.

Finally, the site has extensive tree cover and although much of this would be lost if the development of the new College was approved, trees on site enjoy protection by virtue of the Conservation Area Location. A condition is therefore applied to both this application and the new college proposal to safeguard trees which are to remain.

Conclusions and reasons for approval

The buildings on the site are of no merit and do nothing to enhance the Conservation area or the open space allocation in the Local Plan. Their removal will assist in meeting either aspiration. In order to protect the area though from general clearance without a clear way forward it is considered appropriate to restrict demolition until a contract has been let for demolition or until the Authority is satisfied that general clearance will lead to substantive enhancement and use of the area. The proposal therefore accords with Policies BNE12, 20 and 21 of the Local Plan, ENV17 of the Structure Plan and Q7 and 8 of the emerging structure plan.

On this basis, it is recommended that the Committee resolve to grant Conservation Area Consent subject to the conditions set out.

The application would normally be determined under delegated powers but is being reported for committee determination as it is part of the series of applications for mid Kent college which are of such a scale and importance that require committee determination.

[This application was considered by members at Development Control Committee on the 17th August 2005, when it was determined to defer at officers request.]

2 MC2004/1794

Date Received: 28th September 2004

Location: Mid Kent College, City Way Centre, City Way,
Rochester, Kent, ME1 2AD

Proposal: Outline application for residential development

Applicant: Mid Kent College C/o Agent

Agent: Mr J Sharkey John Sharkey & Co 86 Hatton Garden
London EC1N 8QQ

Ward: River

Recommendation - Approval subject to:

A A Section 106 Agreement being entered into to secure the following:

- (i) A contribution of £6000 per Primary school place generated by dwellings of 2 bedrooms and more
- (ii) A contribution of £10,000 to off-site highway works and comprising new bus shelters on City Way with real time information and raised kerb.
- (iii) A contribution towards open space requirements generated by the development which cannot be met on-site.
- (iv) The provision of 25% affordable housing of the total number of units proposed on site

B The imposition of the following conditions:

- 1 Approval of the details of siting, design and external appearance of the building(s), and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from

the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

- 3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any dwelling is occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.
- 5 The plans and particulars submitted in accordance with Condition 1 above shall include:
 - a) A plan showing the location of and allocating a reference number to each existing tree on site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - b) details of the species, diameter (measured in accordance with paragraph a) above, and the approximate height and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs c) and d) below apply;
 - c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site within a distance of 6 metres from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;
 - e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this Condition "retained tree" means an existing tree which is to be retained in accordance with paragraph a) above.

- 6 No development other than the provision of access roads, footpaths or surface level parking areas shall take place outside the current building "footprint" of building and structures currently on the site with the exception of the site of temporary buildings adjacent to the site entrance from City Way on which no development shall take place subsequent to the clearance of existing buildings and foundations.
- 7 No development shall exceed the maximum height above existing ground level of the existing five storey buildings on site.
- 8 Submission of the reserved matters shall include details of access roads, footways, any alterations to the access to City Way and details to indicate the provision and permanent retention of an emergency means of access.
- 9 The details submitted pursuant to condition 1 shall include the location, surfacing and drainage and materials to be used in the provision of areas for vehicle parking and secured cycle parking. The development shall be undertaken in accordance with the approved details prior to the occupation of any of the residential units approved.
- 10 The details to be submitted pursuant to condition 1 shall include the provision of a pedestrian route through the site from City Way to the site boundary with Fort Pitt suitable for the mobility impaired and the approved route shall be provided in accordance with the approved details prior to the occupation of any of the residential units approved.
- 11 The reserved matters shall include the submission and approval in writing to the Local Planning Authority of a Residential Green Travel Plan, for first occupiers of residential properties on the site. The development shall be implemented in accordance with the approved details.
- 12 No development shall take place until temporary protective fencing has been erected, in a manner to be approved in writing by the Local Planning Authority, along the site boundary with the potential extension within the application site, to the area of candidate Scheduled Ancient Monument Fort Pitt. No works shall take place within the area inside that fencing without the consent in writing of the Local Planning Authority
- 13 No development shall be undertaken, including any works of demolition until permanent replacement accommodation for the totality of the uses to be displaced from this site have been made available for use elsewhere within Medway and are able to be put to such use.

- 14 No development shall be undertaken, including any works of demolition until and contract has been entered into for the construction of a relocated college in accordance with a scheme which has been approved by the Local Planning Authority.

For the reasons for this recommendation for approval please see planning appraisal section at the end of this report

Site Description

The application site comprises the present City Way Campus of Mid Kent College. It is located on the east side of City Way immediately to the south of the Fort Pitt Grammar School site and the Jackson Recreation Ground.

It is an elevated site that overlooks the open land of the Recreation ground and new Road to the north.

It is currently occupied by a mixture of medium and low rise buildings, the tallest of which are 5 storeys high. These are significant buildings from certain viewpoints, being prominent for example in the background view from the Civic Centre towards Rochester castle and cathedral.

The eastern part of the site is heavily developed, the western part is more open, except for a group of temporary structures close to the entrance. The site has a main access point from City Way but it is understood that the College have rights of access from the service road which serves the Kent Institute of Art and Design (KIAD) premises, nearby. City Way is a broad, but single carriageway road which does experience heavy on-street parking arising mainly from the College use of the site.

Proposal

The proposal, as submitted, is in outline to demolish at least all of the low rise and temporary buildings on the site and redevelop for residential use. All matters other than means of access are reserved for later approval. The larger buildings on site are indicated as being retained, which implies that they will be converted to residential use – i.e. apartments.

No details of future layout form part of the application, but a substituted illustrative plan received in February 2005 indicated that development would be contained within the main “footprint” of the existing buildings.

The revised illustrative layout indicates that 207 apartments could be developed where the existing taller buildings are located with a terrace of 7 houses on the site of an existing building close to the northern boundary.

Site Area/Density

Site area: 2.42 hectares (5.98 acres)

Site density minimum of 30 dwellings/hectare

Representations

The application has been advertised on site and in the press. The owners and occupiers of 18 -122 City Way and other residents in the immediate area totalling 61 households in all have been consulted on the application. English Heritage, the Ancient Monuments Society, Transco, Seeboard, the City of Rochester Society, Kent County Council Heritage Conservation (Archaeology) Kent Police (Crime Reduction Unit), Southern Water, Kent Wildlife Trust have been consulted on the application.

Two letters have been received from local residents, objecting to the proposal on the following grounds:

- Additional traffic generation
- Schools in the area are full to capacity
- No surgery facilities in the area able to accept new patients
- Strain on drainage infrastructure
- Concern about encroachment into Jacksons Field
- General overcrowding of the Medway area.

Kent Wildlife Trust advise that the baseline ecological study provided by the applicants does not provide enough information to deal with any protected species which may be found on the site. They suggest conditions to deal with:

- Timing of works, to avoid disturbance to breeding birds
- Reptile survey and mitigation strategy
- Full bat survey, with proposals for installation of bat roosts

Southern Water advises that it has no objections to proposals.

English Heritage initially objected to the proposals as submitted on the basis that new housing development on the site would have an unacceptable impact on the nationally important remains of Fort Pitt (a Scheduled Ancient Monument -SAM) and on the character of the new Road conservation area.

E.H. subsequently advised that they were considering extending the area of the SAM to extend to parts of the application site.

In response to E.H.'s objection, the application was subsequently revised to restrict building development to the 'footprint' of existing main buildings on the site, which would already have substantial foundation structures, so any new foundations would be laid in areas where any Archaeological remains were most likely to have already been disturbed.

Following re-consultation on these amendments EH advised that development on the 'footprint' would be acceptable.

Kent Police (Architectural Liaison) has written to express concern about the general 'openness' of the site and ease of access and egress to and from unsupervised areas of open space. Open space within the development should be 'defendable' and largely accessible only to residents.

Fort Amherst and Lines Trust has written to object to the proposed development on the grounds that it would be a blight on an important site for military heritage. The original proposals would destroy a bastion and earthworks south of the scheduled SAM. Archaeological Study carried out for the applicants does not address this issue adequately. The trust will press English Heritage to undertake an emergency scheduling of the larger site.

Transco confirm it has no objection.

Development Plan Policies

Regional Planning Guidance Note 9

Kent Structure Plan 1996

Policy S1	Sustainable patterns of development
Policy S2	Quality of environment
Policy NK2	Medway Towns strategic policy
Policy ENV15	Built environment
Policy ENV17	Conservation Areas
Policy ENV18	Ancient Monuments and Archaeological Sites
Policy H7	Housing provision
Policy T17	Car parking
Policy T20	Transport infrastructure

Medway Local Plan 2003

Policy S1	Development strategy
Policy S4	Landscape and urban design
Policy S6	Planning obligations
Policy BNE1	General principles
Policy BNE6	Landscape design
Policy BNE12	Conservation Areas (New Road)
Policy BNE 14	Development In Conservation Areas
Policy BNE 20	Scheduled Ancient Monuments
Policy BNE 21	Archaeological Sites
Policy BNE 39	Protected Species
Policy H3	Affordable housing
Policy H4	Housing in urban areas
Policy H5	High density housing
Policy T11	Impact of development
Policy T13	Vehicle parking standards
Policy CF1	Loss of community facilities

Kent and Medway Structure Plan (Deposit Version) 2003

Policy SP1	Protecting and enhancing environment
Policy MK2	Medway – strategy
Policy QL1	Quality of development & design
Policy QL7	Conservation Areas
Policy QL8	Archaeological sites
Policy QL10	Historic landscape features
Policy TP2	Transport and the location of development
Policy TP19	Vehicle Parking standards
Policy HP4	Sequential approach to housing provision

Planning Appraisal

Planning Policy and Principles

The site is not the subject of any specific proposal or allocation in the Medway Local Plan. Since the MKC proposals had not come forward while the Plan was in preparation the assumption would have been that the College use would remain.

Had an independent proposal for redevelopment of the site for housing come forward, this would be contrary to policy CF1 of the Local Plan in that it would have led to the loss of a major existing community facility.

On the basis that the application to establish a new College campus at the lower Lines is supported, then an alternative residential land use of the application site would normally be acceptable in principle.

Residential Development

The site is within the existing built-up area. It involves previously used land and existing buildings and is well related to public transport, schools, employment and town centre facilities and performs well in any sequential assessment of potential housing sites. As such it meets KMSP policy HP4.

Although the proposal is in outline form and precise 'numbers' are not specified in the planning application, the revised illustrative drawings show a total of 214 units, 207 of which are apartments formed by conversion and adaption of the two larger teaching blocks on site. The western part of the site, which coincides with earthworks associated with Fort Pitt would be undeveloped, other than for surface car parking.

This would yield a residential density of 88 dwellings per hectare which whilst well above the 30-50 d.p.h range advocated in PPG3 is acceptable in principle in this accessible and sustainable urban location and meets policy H4 of the Medway Local Plan.

It is considered preferable to a more extensive development covering more of the site and having greater effect on the Conservation Area and the SAM setting.

Design, Conservation and Heritage Issues

The proposed form of development is felt to be an acceptable compromise in that it does not add to the impact that development on the site already exerts on its setting. In fact, it reduces it by removal of some of the less tall but more bulky existing buildings.

Effect on buried artefacts is also likely to be minimised, particularly if the eventual developer is able to utilise the two existing 5 floor buildings and avoid further foundation construction.

No built development would intrude on the western portion of the site that includes part of the Conservation Area. Existing single storey buildings which intrude into the open land flanking City Way will be removed.

The two taller buildings are, as previously noted, prominent from some viewpoints in the surrounding area. They are typical 1960's 'glass and cladding' functional buildings, but are reasonably well proportioned and have a unity as a pair of adjacent structures. If these buildings remain, it is likely that their external appearance will change – they are likely to be re-glazed and re-clad at least. Care needs to be taken at the detailed stage to ensure that their appearance is actually enhanced.

By removing the lower buildings that clutter the site, redevelopment would enhance the setting in general and the Conservation Area in particular.

Affordable Housing

The applicants are aware of the requirement in national guidance and policy H3 of the Local Plan that 25% of any housing provided on the site should be Affordable Housing and have agreed that this be safeguarded by a requirement in the Section 106 Agreement which will be binding on the eventual developer of the site.

Landscape, Open Space and Amenity implications

On the basis of a 'footprint' development, the site would have sufficient open space to provide for the 'informal' needs of future residents. The applicants have agreed that a contribution be Safeguarded in the section 106 Agreement towards off-site provision of formal space – i.e. playing pitches – in accordance with normal policy.

Provision of Community Facilities

The area is one in which there is no spare capacity for school places. In respect of Primary Education, the applicants accept that residential

development on site would create further pressure on local schools and have agreed on Education Contribution to be secured through the S106. In respect of Secondary Education, the applicants have argued that since the proposal is dependent on the application to develop a new College at Lower Lines – which makes enhanced provision for the 14 – 18 year age group in Medway – this would effectively meet much of any requirement which arises and hence a reduced contribution is sought.

No additional issues have been identified during the processing of this application – e.g. healthcare provision.

Transport Matters

Access to the site is considered to be adequate to serve the needs of the development. The applicant conducted a full Transport Assessment and which did not identify any requirement for off-site improvements. The secondary access point via the KIAD service road would need to be kept available for emergency use, since the development would be in excess of 150 dwellings.

Conclusions and Reasons for Approval

The site is within the urban area albeit in Educational use. On the basis that the Education use is being relocated in an enhanced form the principle of residential conversion/redevelopment on the existing site is acceptable. Although in close proximity to a scheduled ancient monument the revisions show all new development/ conversions within the built footprint of existing buildings and therefore it is considered that the development can be undertaken without harm to the SAM. The existing access serves the college needs and it is not considered that a residential development would generate the need for improvements to the access. It is therefore considered that the proposal accords with the built environment transport and historic buildings policies set out in the Development Plan and the proposal is accordingly recommended for approval/

The application would normally be determined under delegated powers but is being reported for Committee determination because of its association with the proposed new college which it is considered is of such significance as to merit Committee consideration.

[This application was considered by members at the Development Control Committee on the 17th August 2005, when it was determined defer at officers request.]

3 MC2005/0113

Date Received:

Location: Borstal and Shorts Recreation Grounds, Shorts Way,
Rochester, Kent

Proposal: Construction of primary school and nursery with
associated redevelopment of recreation and sports
facilities

Applicant: Medway Council Director Of Education Civic Centre
Strood Rochester ME2 4AU

Agent: Mr S B Gilberthorpe Medway Council Design &
Surveying Manager Annexe B, Civic Centre
Strood, Rochester Kent ME2 4AU

Ward: Rochester West

Recommendation – Approval subject to:

- A The application being referred to the Government Office for the South East under the provisions of DETR circular 07/99: The Town and Country Planning (Development Plans and Consultation)(Departures) Direction 1999, as a departure from the Development Plan; and
- B the Imposition of the following conditions:
- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
 - 2 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the school and nursery are brought into use and shall thereafter be retained. Development shall be carried out in accordance with the approved details.
 - 3 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.

- 4 Detailed plans of any external alterations to the main school and associated buildings in connection with the development hereby approved shall be submitted to the Local Planning Authority for approval in writing before any alterations are commenced and the alterations shall be carried out in accordance with the approved details.
- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels of contours; means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. external furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration where relevant.] Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.
- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 7 A landscape management plan, including a timetable and schedule for the deliverability and provision of the upgraded football pitches, ecology park and local amenity park, together with the long term design objectives, management responsibilities and maintenance schedules shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 8 No development shall take place until a full tree survey and tree plan, which has been undertaken in accordance with British Standard 5837, is submitted to and approved in writing by the Local Planning Authority. This survey and tree plan shall show the spatial

relationship between trees and development and include details of retained trees, trees to be removed and tree protection measures.

In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved tree survey and associated tree plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved tree survey, tree plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with British Standard 5837 and the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition, ground levels within those areas shall not be altered, no fires shall be lit within those areas, nor shall any excavation be made without the written consent of the Local Planning Authority.

- 9 development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority detailing all mitigation actions to clearly illustrate reptile habitat enhancement works within receptor areas. The method statement shall also set out a time period for undertaking the mitigation and enhancement works. Development must be undertaken in accordance with the approved method statement.
- 10 No development shall take place until a schedule of post development bat monitoring has been submitted and approved in writing by the Local Planning Authority. The development must be undertaken in accordance with the approved schedule.
- 11 No development shall take place until details of an acoustic assessment, which examines the noise impact and proposes methods for mitigation and controlling noise (which achieves the necessary standard) from the wind turbines has been submitted

and approved in writing by the Local Planning Authority. The development must be undertaken in accordance with the approved methods of mitigation and noise control.

- 12 Prior to commencement of the development hereby permitted an investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination as appropriate, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be fully implemented and a completion report issued by the competent person referred to above, stating how remediation has been completed and that the site is suitable for the permitted use, shall be provided to the Local Planning Authority prior to first occupation of the development hereby permitted.
- 13 Details of the scheduled operation of the school building and complex herein approved including hours of operation, schedule of evening events and community facilities and access shall be submitted to and approved in writing prior to the commencement of development. The development shall be undertaken in accordance with the approved details and thereafter shall be subject to an annual written review of community usage which shall be submitted to and approved in writing by the Local Planning Authority and implemented.
- 14 No part of the development shall be occupied until space has been laid out within the site for 72 cars to be parked in accordance with plans hereunder approved by the Local Planning Authority.
- 15 Means of vehicular ingress to the development hereby permitted shall only be from Mercury Close and the mean of vehicular egress from the development hereby permitted shall only be from Sunderland Close.
- 16 The school and nursery shall not be brought into use until a means of vehicular ingress and egress have been constructed in accordance with the approved plans.
- 17 Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority and the school shall not be brought into use until the junctions have been constructed in accordance with the approved details and are available for use.
- 18 No part of the development shall be brought into use until a traffic management and movement plan and a car park management strategy has been submitted and approved by the Local Planning Authority. The plans and strategies herein approved shall be

carried out in accordance with those approved details and shall thereafter be retained.

- 19 No development shall take place until there has been a submission of details, including a plan of implementation and approval in writing by the Local Planning Authority of:

- i) a scheme and implementation of the school travel plan;
- ii) details of the pedestrian access within the site;
- iii) details of the site vehicular access and drop off facility;
- iv) details of the cycle parking areas;
- v) details of the resurfacing of the junctions of Mercury Close and Sunderland Close with Shorts Way as indicated on plan 5011/PL/007;
- vi) the provision of continuous footway on the south east side of Mercury Close and speed control table at entrance to the school as indicated at point 10 and 12 on plan 5011/PL/007; and
- vii) details of the improvements to Sunderland Close including improvements to forward visibility and speed control table adjacent to number 30 Sunderland Close, provision of level pedestrian route opposite number 30 Sunderland Close including curved pedestrian table at entrance to the garage forecourt as identified by points 1, 3 and 4 on plan 5011/PL/007.

Development shall be carried out in accordance with those approved details and shall thereafter be retained.

- 20 Prior to the school and nursery being brought into use a sight line of 2 metres x 33 metres shall be provided to the south east of the proposed exit onto Sunderland Close as indicated on plan 5011/PL/007 and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays.
- 21 Development shall be carried out in accordance with those approved details prior to the school becoming operational (unless otherwise first approved in writing by the Local Planning Authority and thereafter made available for the general public both during school hours and outside school hours.
- 22 (as amended plans and additional information received on 7th April, 4th May, 26th May, 25th July, 3rd August and 4th August 2005.)

For the reasons for this recommendation for approval please see Planning Appraisal section and Conclusions at the end of this report.

Site Description

The submitted application refers to a site known as the Upper Borstal Playing Field. It forms one of three playing field areas that are collectively known as the Borstal and Shorts Way Recreational Ground. Together, they form a 6.8-

hectare L-shaped open space area though there are clear boundaries between the three fields.

The site proposed for development is located furthest to the south east of the fields. It is predominately grassed with some former markings of football pitch outlines upon it. The land is bordered with high-level trees along its boundary perimeters. Immediately adjacent to the site to the north west lies the Lower Borstal Playing Field. The Lower field is much larger in area to the application site and is also predominately grassed. It is also tree lined to the boundaries to the north west and to the application site to the south east and generally open with much lower boundary treatments to its other sides. Its Manor Lane boundary contains a childrens play area and hardstanding and was also the site of a former pavilion, which was destroyed by arson some years ago.

Located to the north of the application site and immediately adjacent to the north east of the Lower Borstal field lies the Shorts Way field. This is the largest in area of the three fields and is also a tree bordered grassed area. It's boundary with the Lower Borstal field is defined by the existence of an enclosed former tennis court that has long been abandoned and is overgrown, and is the subject of much interest from ecology professionals.

The three fields are surrounded by residential housing of varying types, design and ages with the exception to the north east, where the Batys Marsh Nature Reserve and the River Medway lie. Currently, there is a public right of way immediately between the site and Batys Marsh facilitating an access between Manor Lane and Shorts Way. The land slopes in a downhill direction from the south and south east to the north and north west where both Shorts Way and the Lower Borstal field are set at a lower level than the application site. Equally, Batys Marsh nature reserve and the Medway are also sited at a lower level to the three fields. Similarly the application site is lower than the land to the south.

There are essentially three access points to the three fields. The application site has a direct access from Mercury Close and can also be accessed on foot from Manor Way. There is a secondary access from Manor Way to the children's play area. In addition to this, there is an entrance to the Shorts Field from Shorts Way close to the Esplanade.

The fields are themselves are in a semi-rundown state and are subject to spates of vandalism and arson. The fields themselves are made up of poor grass sward and are inadequately drained. The football pitches are poorly marked.

The site is a designated public open space within the Medway Local Plan 2003.

Proposal

Pupil numbers for both the St Matthews Infant and the Borstal Manor Junior Schools have been falling for several years. The state is such that it has been agreed that to continue to operate the two schools independently of each other represents an unsustainable form of development and that a one-form entry school for primary education (infant and juniors) would be a much improved and viable option.

From July 2005, the two schools will be merged one, to be called Pilgrims Primary School.

Neither the existing St Matthews School nor the Borstal Manor school buildings are large enough or equipped to cater for the merged school so, for the 2005/2006 school year, the Pilgrims School will continue to operate from the two sites under one headmaster, though this can remain as a short-term measure only.

The submitted application seeks to construct a new school building upon the Upper Borstal Playing Field for the newly created Pilgrims School together with new access, car parking, play areas and two wind turbines. The application also proposes ancillary upgrading to the remaining Lower Borstal and Shorts Way fields.

Representations

The application has been advertised as a major application and a departure from the Development Plan on site and in the press. The owners and occupiers of neighbouring properties in Manor Lane, Ailsa Mews, Farmdale Avenue, Cloudesly Close, Mansell Drive, Mercury Close, Shelly Rise, Harriet Drive, Keating Close, Goddings Drive, Borstal Road, Stirling Close, Shorts Way, Sunderland Close and Fay Close have been consulted.

There are a total of 812 written objections to the application either by individual letter or by signing a petition, making the following comments:

- The proposal would result in the loss of a designated public open space and is therefore contrary to the Medway Local Plan
- Justification has not been made for a new school given that pupil numbers are falling, not rising
- The sites were bequeathed to the people of the area by Sir Oswald Short and as such should not be built upon
- The existing sites, particularly Borstal Junior school, is perfectly acceptable and £1 million cheaper to construct
- The Local Plan Inquiry Inspector rejected the Draft Local Plan for a new school on the Shorts Way site, siting that the Council had not demonstrated the need for a school
- The proposal represents development in a flood plain
- The impact of the development in terms of traffic generation and noise and disturbance would be immense, particularly to residents in Manor

Lane, where there is not through traffic. Parents are likely to use this road as a dropping-off area

- The entrance/exit at Mercury Close/Sunderland Close would be dangerous and detrimental to vehicle and pedestrian safety, especially at congregating times of 9am and 3pm
- The noise from children and traffic from the school would be detrimental to residential amenity
- The proposal would result in an increase level of anti-social behaviour, with a rise in hooliganism. Lack of a management and maintenance plan and there would be a need for 24-hour surveillance
- The proposed wind turbines would result in an excessive noise and disturbance to residential properties where it should be set well away from residential properties. The wind turbines also represent an ugly and unwelcome form of development
- Football pitches do not signify a strong public gain

Kent Wildlife Trust had originally objected to the application citing the lack of a second study on Bats and Reptiles. On completion of the reports, KWT subsequently withdrew their objection though have requested the imposition of several conditions relating to the management and maintenance of the proposed ecology park and the wind turbines and their impact upon wildlife.

Sport England has objected to the application on the grounds that it does not consider the upgrading of the Shorts Way field outweighs the loss of the Upper Borstal field. It considers that their poor state is a result of a lack of maintenance by the Council and the argument to improve them by losing one of the fields is not just.

The City of Rochester Society has written raising no objections on the proviso that no further development be allowed on the Lower Borstal field and on Shorts Way field.

The Medway Towns Sports Council has written with no formal opinion, but has however raised concerns regarding the lack of changing facilities and what appears to be an absence of areas for storage of sports equipment.

Southern Water has written raising no objection on the proviso that a condition be attached requiring details and/or protection of sewers be submitted.

Transco has written raising no objection to the proposal however has stated that conditions need to be imposed regarding construction and adequate distances be maintained to the gas mains in addition to be allowed access to the to its apparatus during construction.

Kent Police have written raising no objection to the application but making the following comments a) no public right of way should pass through the site, b) adequate height fencing needs to be installed and c) that the school and amenity areas are well overlooked. It also recommends the installation of CCTV cameras.

The Environment Agency has written raising no objection to the application but however offers advice on matters relating to careful designs of soakaways, proper means of water disposal, no destruction of wild birds and land contamination and landfill gas protection.

One further letter has been received giving further information regarding bats.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built Environment)
Policy ENV16	(Town Cramming)
Policy T17	(Parking Standards)

Medway Local Plan 2003

Policy BNE1	(Built Environment)
Policy BNE2	(Amenity Protection)
Policy BNE4	(Energy Efficiency)
Policy BNE6	(Landscape Design)
Policy L3	(Protection of Open Space)
Policy CF6	(Primary Schools)
Policy CF11	(Renewable Energy)
Policy T1	(Impact of Development)
Policy T2	(Formation of new Access)
Policy T3	(Provision for Pedestrians)
Policy T4	(Cycle Facilities)
Policy T6	(Provision for Public Transport)
Policy T13	(Parking Standards)

Kent & Medway Structure Plan (Deposit Version) 2003

Policy QL1	(Built Environment)
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Planning Appraisal

The Amalgamated Pilgrims School

Pupil numbers for both the St Matthews Infant and the Borstal Manor Junior Schools have been falling for several years. The Council has made the decision that to continue to operate the two schools independently of each other represents an unsustainable form of development and that a one-form entry school for primary education (infant and juniors) would be a much improved and viable option.

From July 2005, the two schools will be merged one, to be called Pilgrims

Primary School.

Neither the existing St Matthews School nor the Borstal Manor school buildings are large enough or equipped to cater for the merged school so, for the 2005/2006 school year, the Pilgrims School will continue to operate from the two sites under one headmaster, though this can remain as a short-term measure only.

It is considered that the applicants have sensibly justified that operating two existing school sites where there is falling pupil numbers is unsustainable and understandable that the schools should amalgamate into one. Given the condition and age of the buildings on the existing school sites, it is understood and accepted that a new school building should be constructed to represent schooling in the 21st century and to offer improved facilities to its users and the wider community.

Site Search

The applicants have had the task of searching and identifying a single site for the new school and have conducted a feasibility study on suitable sites. The site search identified four possible sites for the new school building within this vicinity.

Option 1 – Redevelop to the existing St Matthews Infant School site

The applicants' proposal for the site would have replaced the existing buildings with a 3-storey building to overcome the steep gradient. The estimated cost of such works would be approximately £3 million.

Whilst it is acknowledged that the site is close to Borstal shops and would make use of an existing school site, the site is extremely challenging, with a 30m land level change. The site is also served by poor vehicle access, poor disabled access, would need to be on several levels and would be expensive for the end result. In addition to this, the steep playing area to the south is not ideal and below the requirement for a 1FE primary school. The option was rejected.

Officer assessment of conclusions on option

The topography and poor vehicle and pedestrian access to it is self-evident. It is clear and understandable why this site has not been selected for the new school and no objection is raised to its non selection.

Option 2 – Redevelop the existing Borstal Junior School site

Unlike the St Matthews site, Borstal is sited on a much bigger plot that reflects only a shallow land slope from south to north. This option would have involved the demolition of the existing building and the redevelopment of the site to include a new school building either in phases, or as one development with

the school relocating to temporary classrooms. The cost of the development was estimated at approximately £2.1 million.

The advantages were that the site is an existing school and the plot large enough to accommodate a 1FE school.

However the site contains a number of concerns relating to exposure to noise from the M2/CTRL traffic, inadequate access in addition to poor accessibility and construction problems.

Concerns are raised about air and noise pollution levels at the Borstal Manor site, mainly because of its proximity to the Rail/motorway bridge. There is a Department of Education and Skills' requirement that a percentage of teaching takes place outdoors and that for exposure to noise levels, the upper limit for new schools for external noise at the boundary of the external premises used for formal and informal teaching and recreation areas should not exceed 60 dB though under some circumstances, this could be exceeded to 70 dB with considerable sound insulation screening or barriers. Noise levels in the unoccupied playgrounds, playing fields and other outdoor areas should not exceed 55 dB, where at least one area for outdoor teaching should not exceed 50 dB. For indoor activity, noise levels above 35dB are not recommended.

The Council's Environmental Health section looked into these concerns and advised that the school was not in an Air Quality Management area and is therefore not considered to be exposed to air pollution levels that exceed national objectives. A short noise survey at the three potential sites established that the Borstal Junior school site has most exposure to high speed train noise. Noise measured at the site survey position indicated that internal noise levels for a classroom with an open window at that location would be likely to exceed the 55 dBLA₁ criterion set out in the Department for Education and Skills publication 'Building Bulletin 93 - Acoustic Design of Schools - A Design Guide'.

On the access issues, the applicants argue that the nature of Warwick Crescent is such that there would be concerns that it could not cope with the increased traffic generated by a 210 places primary school. Given the geographical set up and the land ownership issues, there would be little opportunity to improve the accessibility of these roads because they are bordered by private residential properties and because of the lack of off street parking

Although the site has sufficient area for a 1FE school with a nursery unit, it has limited capacity to expand to become an 'extended school' with other services on site and more limited capacity to increase numbers at the school beyond 1FE, should this eventually become necessary.

This site is also sloping, causing access problems for pupils with physical disabilities. The existing junior school building has had to include a number of internal staircases to give access to the split-levels of accommodation.

Officer assessment of conclusions on option

The Borstal Manor site option, although of sufficient size to build a new 1FE primary school, has high noise levels caused by the new high speed train; problems with access roads, limited flexibility of space for a school on this site to expand and the access problems caused by the sloping site. It would be necessary to either decant the junior school pupils to alternative accommodation whilst the school was being rebuilt, or to work around them with consequent disruption to education.

It is accepted that the current Borstal Manor school site has limitations appearing to be plagued by a number of genuine noise and access concerns that cannot be overcome. Given the supporting evidence submitted on this basis, it is accepted that the Borstal Manor is not an acceptable site for the combined new school building.

Option 3 – Construct a new school building on the Shorts Way field

The proposal here would have been to construct a new building at an approximate cost of £2.1 million.

The site is considered favourably by the applicants, who recognise the site would be sufficient in size, could be built without disruption to pupil and staff operation, and would have a direct access from Shorts Way. However they state that the site has two main problems. Firstly, as the largest of the three fields, there would be a significant loss of designated open space and playing fields and the option would therefore have the worst impact on recreation and sports use of the options. Secondly, the school would be located at some distance away from the two existing sites where it would be at the most inconvenient point to parents who would commute the site on foot. This option was rejected.

Officer assessment of conclusions on option

It is accepted this site would have resulted in the loss of the largest of the recreational fields and that the site was rejected for a school at the Local Plan Public Inquiry.

Option 4 – Construct a new school building on the Upper Borstal Sports field

The option preferred by the applicants and the subject of this planning application. The new school would be the most expensive option, at an approximate £3.1 million but would however represent the best value proposal. The applicants' state that the site remains large enough to cater for 1FE requirements and, like Shorts Way, could be constructed without disruption to the operation of the existing schools. Being the smallest of the three fields, it would overcome the concern on the impact on recreational/sports use identified in the feasibility study for Shorts Way. The site is more centrally located to existing users of both schools and, with

alterations, has a natural access into the site from Mercury Close. The Education Authority, as stated, preferred this option.

The Proposed Site and Loss of Open Space

The application site, along with the Lower Borstal and Shorts Way fields are designated within the Medway Local Plan as public open spaces. Policy L3 seeks their protection, stating that development which would involve the loss of existing formal open space, informal open space, allotments or amenity land will not be permitted unless sports and recreation facilities can best be implemented, or retained and enhanced through redevelopment of a small part of the site.

Initially, the Shorts Way site was designated in the Draft Medway Local Plan 1999 as a possible location for a new school however the Inspector dismissed the scheme at the resultant Local Plan Public Inquiry, arguing that no justification had been made for it. The Inspector however did not dismiss the possibility of a school to be located on this site and in response to his comments paragraph 9.5.15 was inserted in the adopted Local Plan to state the following

“If a need can be demonstrated for a new primary school to the south of Rochester, development will exceptionally be considered on a playing field site to the south of the Esplanade/ Shorts Way. However, it will be necessary to show, by reference to a comparative exercise that the site is the most suitable for a school, taking into account all relevant factors including the loss of the existing recreational facility. In the meantime, the site will be protected by policy L3”.

Turning to the level of provision for open space. The National Playing Fields Association (NPFA) recognises that there should be 2.4 hectares of public open space per 1000 population. Of the 2.4 hectares, 1.6-1.8 should be available for outdoor sports whilst 0.6 to 0.8 hectares should be available for children’s play space. The playing areas should be within 400 of a site between 2-10 hectares in area.

The site has a recognised deficiency of one senior pitch and three junior pitches and, as an authority, a deficiency of 10 senior pitches, 25 junior pitches and 4 mini pitches.

The application site as whole (Upper and Lower Borstal and Shorts Way) measures 6.8 hectares in area for a catchment population of 5016 residents. There is therefore a deficiency of 5.16 hectares of open space in this vicinity.

There is therefore a clear and unambiguous presumption against development on this site that would, arguable lead to a further degradation of sports and open space provision in the locality.

The principle consideration therefore for this application is whether there is an exceptional circumstance to justify the proposal including substantial

community gain to outweigh the loss of a protected public open space. This would mean careful consideration of the planning merits of the scheme not just the educational benefits. The applicants argue that they have demonstrated that exceptional circumstances prevail and that the community gain is extensive and generous to off set the loss of the site as open space.

Community Gain

Use of School buildings

To overcome the loss of a publicly designated space, the applicants have confirmed a series of proposals designed to demonstrate a significant community improvements to the area.

The school itself would be used by the community outside of school hours, where the library and I.T room would be made available for adult learning and the sports hall would also be available for use. With appropriate attached conditions, this is aspect would be welcomed and supported.

In addition to this, the applicants have argued that, they are contributing an additional £500,000 for further facilities to pay for an all-weather pitch, changing facilities and additional parking, which would not be implemented if the school were located on an urban site.

Ecology Park

The area of former tennis courts, which has become overgrown over recent years, is of extreme interest to wildlife professionals and interested parties. The area has become a natural habitat for many species of animals and plants and as such, a wildlife assessment has been made.

The on site study concludes that there is no record of badgers on the development site though there is record of nine species of bats within a radius of 5km of the development site. There is also evidence of dormouse, wood mouse, yellow-necked mouse, common shrew, rabbit, field vole, common rat, hedgehog and fox within 1km of the site. There is an extensive list of bird species (not protected), amphibians and reptiles (protected under the Countryside and Wildlife Act 1991) in addition to a number of vascular plants.

It is proposed therefore that the former tennis courts area is given over to an ecology park, to be managed and maintained (details not submitted) to ensure that the identified species of habitat are maintained within the area.

Football Pitches

The football pitches have fallen into disuse and at Shorts Way have ceased to be used for sport since 2000. The pavilion used for changing was damaged by arson attack, the third such incident on the site and all sites are ineffectively managed.

The applicants have proposed to upgrade the Lower Borstal and Shorts Way fields in terms of levelling, drainage, soil structure and quality of grass sward and to install five FA standard football pitches, three on Shorts Way and two on the Lower Borstal field. The pitches would comprise four senior and two junior sizes in addition to one primary school sized pitch to be located on the remaining land to the south west of the proposed school.

The changing facilities would be accommodated within, and managed by the proposed new school. The two changing rooms attached to the school hall and staff changing areas would be made available for use. In addition, a detached building located to the south west of the car park abutting the schools north west boundary block would be constructed containing a further two changing and officials rooms for use by teams on match days.

Local Amenity Area

The area of land adjacent to Manor Lane comprises a small children's play area and hardstanding for car parking, which was also the site of the former pavilion. The applicants argue that the offering to residents is poor and uninviting and is therefore barely used. As part of the application, it is proposed to upgrade the area with an improved amenity offering containing an improved landscaping, planting and play areas that would be well maintained and managed (no details submitted of this aspect).

Landscaping

Manor Lane and Shorts Way would be connected by a cycle route along the southern boundary of the site which is considered to improve the amenities of the grounds and no objection is raised. No further details have been submitted to other means of landscaping or how the proposed ecology park and amenity area fits in with the wider landscape. It is accepted however that these could be controlled by means of appropriate conditions.

Deliverability

Greenspace Services have stated that they have no sources of internal funding and that the improvements to the Lower Borstal Fields and to Shorts Way would need to be delivered externally. For the potential for a 50% Sport England funding, there would be a requirement for 10 changing facilities for the five football pitches. The applicants have argued that they are unable to deliver this because a) there is no on-site space for such a building and b) they argue it would simply not be used during the week and represents a waste of money. The applicants have proposed four changing facilities for the five pitches and state that a system of monitoring whether extra changing facilities are required should be undertaken at a later stage. It is therefore unlikely that Sport England will contribute to the scheme.

Initially, the applicants argued that the school represented a significant community gain without the upgrading and improvement of the football pitches. They have however now accepted that the improvements to the

Lower Borstal and Shorts Way field are vital to the acceptability of the scheme. The applicants have agreed to finance its upgrade, which would cost approximately £1.25 million, though there will be an attempt to source other means.

In summary, the school would feature an additional £500,000 worth of investment to include an all-weather pitch, changing facilities, additional parking as well as the library, I.T facilities being open to the public, all of which would not be spent or added to another school on a less sensitive site. In addition, it is also guaranteed that the additional £1.25 million to implement the Lower Borstal and Shorts Way improvements will be deliverable.

Whilst there are significant objections raised to the loss of the field, the proposal is considered to represent a significant gain to the local community that would off set the loss of the Upper Borstal field for a school.

Proposed School Design and Layout

The proposed school would be a two-storey building on its front elevation with single-storey annexes set behind. The building would be constructed to a standard brick construction with horizontal wood panelling (European Larch) located on the first floor elements of the two-storey entrance and hall building. Render is proposed for some areas to be painted strong, and varying colours to add identity to classrooms for children and to include a visual interest to the building. The walls themselves are not fully glazed and are instead solid with intermittent large openings. The roof would be constructed of aluminium to contain, particularly over the single-storey annexes, roof lights set at a 5-degree angle to maximise light into the classrooms.

The two-storey element to front would be divided into two sections. The building's entrance would contain the lobby, reception, head teacher's room at ground floor with the staff rooms and the boiler rooms at first floor level whilst the second element would be a double-height single-storey building (of the same height as the two-storey) containing the sports hall, two changing rooms, parents and store rooms as well as a staff changing area, all at ground floor.

The two single-storey annexes set behind would serve as the classroom blocks, with each annex building serving the different educational levels (infants and juniors). An area set just behind the two-storey block, linking the two annexes, has been reserved for a library and I.T room.

The outdoor play areas within the school would be as follows. Firstly, there would be an area of hardstanding set between both annexes, which would be facilitated as an outdoor classroom or mini-amphitheatre. Further to the south west of the site would be an area of grass/open space for informal play. Immediately to the north west, outside the junior school annex would be an all-weather pitch for formal or informal play.

The school design is considered to represent a simplistic form of architecture that is functional. In this location and relationship with adjoining properties the design is considered to be acceptable.

Sustainability and Wind Turbines

The applicants are championing this proposal as a school fit for the 21st century, the first of its kind anywhere in the United Kingdom. The school's energy use would be consumed entirely from renewable sources, to be achieved in the following way:

- The application proposes the installation of two 9-metre high wind turbines to be located to the south west of the school that, with the additional rotor arm, would project to a height of approximately 11.75 metres. The turbines themselves would provide the energy to supply the ground source heat pump during the winter months and would provide enough electricity to preheat the domestic hot water during the summer periods.
- The building would be entirely heated from ground source heat pumps, which utilise the heat stored in the ground. This is achieved by the use of horizontal or vertical heat exchangers linked to a heat pump, which can produce temperatures between 45-55oC. It is claimed that, if used with a wet under floor heating system, the entire heating and a small percentage of the building's hot water can be met by this method. Any excess heat produced can be re-introduced into the main grid.
- In addition to the above, the school would contain natural lighting during daylight hours, would promote energy efficiency through the building fabric, promote locally sourced recyclable materials, introduce natural ventilation for summer and winter and a means of control to include the avoidance of air conditioning, maximise solar gains, and to promote water conservation through automatic valve taps

The proposal to construct a development, where the building's entire heating needs would be sourced entirely from renewable energy is strongly encouraged by the Government in PPG22 and by Local Plan Policy CF11. It is considered that a school of this nature would represent a shining example of sustainable development and is warmly accepted.

However the above would only be supported where it does not result in a visual harm or loss of amenity to surrounding neighbours. The installation of wind turbines is a natural request in order to achieve a renewable energy building. At 11.75m tall (including the blade), the turbines would appear short of the perimeter trees surrounding the application site and therefore would not raise any issues with regards to visual intrusion.

The proposal would be sited at the upper end of the Upper Borstal Field and owing to the tree line screening to properties in Mercury Close, in addition to

its lower setting, the proposal is not considered to have a profound impact upon the character and setting of the area.

Amenity Considerations

The proposed school would be sited approximately 45 metres from properties on Mercury Close. However between the proposed school and the properties lie a parade of tall trees that would screen the development, and owing to the land levels, would be sited at a lower level than the houses. It is therefore not accepted that the proposal would cause any negative impact in terms of loss of outlook, light, privacy or increased shading to these properties.

In terms of noise, the supporting statement suggests that the turbines would generate a noise level of approximately 65 dBA when at a speed of 20m/s and at 45 dBA at 5m/s. The average decibel levels for threshold hearing is 0, whispering 30 dBA, talking at 60, city traffic at 90, a rock concert at 120 and a jet engine at 10m away is 150. The noise from the proposed masts would clearly be no louder than general conversation levels that would be somewhat filtered by the tree planting along its boundaries.

Mercury Close and Sunderland Close are already experiencing levels of vehicle movement and this level will undoubtedly rise during the school operation hours. However given that the school will operate a one-way system, it is not considered to harm the amenities of neighbouring properties in terms of lack of parking, access noise and disturbance.

Tree Considerations

The submitted scheme shows 8 trees to be removed but the applicants have not as yet undertaken a full tree survey in the context of full details of the works proposed. As a consequence there is a possibility for more trees to be lost particularly around the exit onto Sunderland Close and around the area of the proposed car park. Notwithstanding this in overall terms tree removal should be reasonably minimal and will not have an unacceptably harmful affect on the general tree bordered character of the area.

Access and Parking

The application is proposed to be served via an entry from Mercury Close and an exit through Sunderland Close.

Mercury Close and Sunderland Close serve as two-way roads for residential properties as well as accessing some en-bloc garages. Currently, the Upper Borstal Field has a small, single-gated access from Mercury Close and it is proposed to upgrade this point to facilitate the access to the school. The school traffic, upon entry into the school, would proceed in a one-way direction only and would be able to verge off to the left to a dropping off zone only, or would proceed to the car parking area located at the north east corner of the site. The exit gate would be sited just before the entrance to the car

park, which traffic would leave the school and proceed through Sunderland Close. Sunderland and Mercury Closes would themselves remain two-way.

Alternative accesses were considered for the site, namely to create the entrance via Shorts Way. Two options were considered here. Firstly, to run the route at the north western boundary and along the former tennis courts and secondly, along its boundary with Shorts Way to proceed along the south eastern boundary to the proposed school. Both options were deemed to warrant excessive entrance roads to the school that have the danger of not being used (users would likely use the shortest entrance, that being Mercury/Sunderland Close) and would constitute an inappropriate cost, which could not be maintained or managed in evening periods. It was also considered that, if located close to Batys Marsh and the tennis courts, the proposal would have a detrimental impact upon the wildlife.

The vehicular exit through Sunderland Close will be improved by the provision of speed control tables and by improved forward visibility adjacent to no.30 Sunderland Close and for drivers exiting the site. Pedestrian access to the site would be improved by the provision of a continuous footway along Mercury Close, improved links to Sunderland Close and the pedestrian routes within the school including two formal crossings of the access road which incorporate speed control devices. The junctions of Mercury Close and Sunderland Close with Shorts Way will be improved by resurfacing the junction to improve skid resistance.

The applicants have proposed 72 car parking spaces for the site. This would be used for the school as well as provide parking for the users of the football pitches, most likely to be at weekends. In cases where more spaces are required, the all-weather pitch located in the school could be facilitated as an over-flow car park. It is considered that the level of car parking proposed, coupled with a school travel plan and a pupil drop-off area, is adequate for the predicted demands associated with the proposed school use.

The location of the parking area maybe considered inconvenient for some parents to drop-off pupils and in common with most schools it may become congested during peak times, resulting in some hazard to student safety. The overflow parking area would be located onto the play area, so it will not be available during the operational times of the school and when operational will result in two disabled bays being unavailable.

Turning to the issue of dropping off. Concerns are raised that some parents are still likely to drop-off students off-site to avoid on-site congestion caused by the car parking being located off the internal road circulation system. The area around the school would likely already be heavily parked with residential vehicles. Medway Council would be able to undertake adhoc enforcement of waiting restrictions, but not daily enforcement. Furthermore, many of the areas where parking could occur are not controlled by the Council. It is therefore essential that the school implement a programme of education to encourage parents to park responsibly.

In terms of vision splays, an issue raised by the safety audit relates to poor sight lines for drivers travelling east along Sunderland Close having left the school. Swept path analysis submitted by the applicant demonstrates poor forward visibility on Sunderland Close for drivers leaving the school at 20mph and for drivers approaching garages. Concern was raised that increased activity would result in hazards to highway safety. The applicant has indicated on submitted plans that a wall adjacent to no.30 Sunderland Close would be reduced in height to overcome the visibility problems and this is considered acceptable.

In addition, concerns have been expressed regarding the steep gradient from access road to existing garages, which is likely to cause problems for drivers emerging from the school. The applicant has agreed to install a speed control device on the approach to the school exit from the garage access road, together with improvements to visibility, and these measures should reduce potential conflict.

With regards to cycle provision, a 3 metre wide shared pedestrian/cycle route is provided across the site from Shorts Way to Manor Lane, with a connection to the school. It is proposed to provide details of cycle parking by means of a condition.

It is recognised that the proposal represents a highways and access concern. However it is accepted that the current access/egress proposals represents the most logical to the school site and with the amendments submitted by the applicant, the proposal is considered acceptable on transport grounds.

Conclusions and Reasons for approval

The proposal for a school on this site is considered to be justified in light of the falling school numbers at St Matthews Infant and Borstal Manor Junior schools and adverse site constraints of the existing sites to redevelop. The Local Plan identifies the site for the possibility of a new school on the proviso that a suitable case can be made and that there is a significant community gain to outweigh the loss.

It is considered that the case has been made for the site as the most suitable option. Nevertheless to offset the loss of a designated public open space, the proposed school would include additional investment and facilities for pupils and residents in addition to funding for the deliverable improvements to the currently neglected Lower Borstal and Shorts Way fields.

In light of the plans and statements submitted with this application and assessment, and notwithstanding objections from Sport England and local residents to the loss of the open space and subsequent increases in traffic and impact on amenity, the application is considered to constitute a significant gain to the local community and the Medway area as a whole to outweigh the loss and traffic concerns.

The application is therefore considered in accordance with Policies Policy ENV15, ENV16 and T17 of the Kent Structure Plan 1996 and Policies BNE1, BNE2, BNE4, BNE6, L3, CF6, CF11, T1, T2, T3, T4, T6 and T13 of the Medway Local Plan 2003 and is considered acceptable in all regards and is recommended for approval.

[This application would normally be determined under delegated powers but is being reported for Committee determination due to the extent of representation received contrary to the recommendation and due to the significance of the proposal which it is considered by officers merits consideration by Committee.]

[This application was considered by members at the Development Control Committee on the 17th August 2005, when it was determined to defer a decision to enable a members site visit to be held.]

4 MC2005/0229

Date Received: 3rd February 2005

Location: Mid Kent College, Horsted Centre, Maidstone Road,
Chatham, Kent, ME5 9UQ

Proposal: Outline application for mixed residential, commercial
(Class B1), retail (Class A1) and community (Class
D1) development

Applicant: Mid Kent College Horsted Centre Maidstone Road
Chatham Kent ME5 9UQ

Agent: Mr P Waller Bloomfields Limited 66 College Road
Maidstone Kent ME15 6SJ

Ward: Rochester South & Horsted

Recommendation - Approve subject to:

A. A Section 106 Agreement being entered into to secure the following:

- i) Contribution of £6000 per Primary school place generated per dwelling of 2 bedrooms and more.
- ii) Contribution of £15,000 to improvements to public transport – including provision of raised kerbs at stops to improve access for people with mobility difficulties.
- iii) Improvements to crossing facilities – contribution of £50,000 for controlled pedestrian crossing
- iv) Improved local cycle access – scheme to be determined
- v) Contribution of £13,000 to safer routes to school initiative
- vi) A contribution in respect of open space requirements generated by the development which cannot be met on site.
- vii) The provision of 25% affordable housing of the total number of units proposed to be provided on site

- B. The imposition of the following conditions:
- 1 Approval of the details of the siting, design and external appearance of the buildings and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.
 - 3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
 - 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced and shall thereafter be retained. Development shall be carried out in accordance with the approved details.
 - 5 The plans and particulars submitted in accordance with Condition 1 above shall include:
 - a) A plan showing the location of and allocating a reference number to each existing tree on site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - b) details of the species, diameter (measured in accordance with paragraph a) above, and the approximate height and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs c) and d) below apply;
 - c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site within

a distance of 6 metres from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;

e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this Condition "retained tree" means an existing tree which is to be retained in accordance with paragraph a) above.

- 6 No built development shall take place to the south of the existing east-west footpath which traverses the site between Maidstone Road and the eastern boundary.
- 7 A landscaped area of a minimum 10 metres width shall be provided and maintained around the whole of the common boundary between the application site and the Scheduled Ancient Monument at Fort Horsted. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no buildings or structures shall be located within this area without the further permission in writing of the Local Planning Authority.
- 8 No more than 2480 sq metres gross of Class B1 floorspace is permitted by virtue of this Notice. The location of this floorspace shall be as close as practicable to the main entrance to the site.
- 9 The Class A1 retail development hereby permitted shall extend to a floor area of no more than 200 sq metres gross. Any retail unit constructed or provided on this basis shall be used for the sale of convenience goods only.
- 10 An area shall be reserved for the provision of community facilities to serve the needs of the development. This shall be sufficient to support development with a floorspace of no less than 500 sq metres exclusive of access and car parking facilities.
- 11 No development shall be undertaken, including any works of demolition until permanent replacement accommodation for the totality of the uses to be displaced from this site have been made available for use, elsewhere within Medway and are able to be put to such use.
- 12 The details submitted pursuant to condition 1 shall not provide for any building to exceed 3 storeys in height.
- 13 The submission of the reserved matters pursuant to condition 1 shall include details of the access roads, footways, cycle ways, alterations to the access onto Maidstone Road and details of any emergency access. No part of the development approved shall be occupied until the roads have been provided in accordance with the

approved details or in accordance with a scheme of implementation agreed in writing with the Local Planning Authority.

Site Description

The site comprises the present Horsted campus of Mid Kent College which lies on the eastern side of Maidstone Road south of the junction of City Way with Horsted Way.

The site is mainly developed with a range of single, two and three storey buildings which were largely built in the 1950's and 1960's with small later additions, and extensive areas of car parking. The southern and south-eastern portions of the site are open and undeveloped and are within a designated Area of Local Landscape Importance (ALLI) and are separated from the built part of the site by well defined hedgerows.

The site is bordered to the north by mature trees marking the boundary of Fort Horsted, which is a Scheduled Ancient Monument (SAM). Beyond the trees, the Fort is moated with grassed embankments concealing a series of shelters and buried buildings now in the course of restoration and occupied by an Environmental Plant Hire company.

The site is adjoined to the east and south by extensive areas of open land which forms part of the Country Park. Beyond the open space area lies the established residential development of the Davis Estate.

Maidstone Road forms the western boundary, beyond which lies the operational area of Rochester Airport.

The western part of the site occupies a relatively elevated site on the edge of a plateau on which the Airport and Fort Horsted also stand. However both within the site and beyond – the land falls away to the south and east so the adjoining housing lies at a considerably lower level.

Proposal

The applicants propose to redevelop the site – assuming that planning permission is granted for a new College Campus – at the Lower Lines, Gillingham – for a mixed use development comprising mainly housing but also including business (B1), community (D1) and retail (A1). The application is in outline with all matters other than means of access reserved for later approval.

The extent of the Business space is defined on the application forms as 2480m², and would take the form of small units for starter or similar businesses. The extent of retail development is described as a “convenience store”, which implies a relatively small local provision. No floorspace is indicated for community uses

Similarly, the amount of residential development is not defined in the application although accompanying illustrative material is based on a development of 414 units. The illustrative drawings also show that this would be at a maximum 3 storeys in height.

Proposals for this site were submitted in 2004 under reference MC2004/1694. This was based on an altogether higher density residential scheme the illustrative plans of which indicated the provision of some 768 dwellings in development of up to 7 storeys. Following discussions and a local public meeting in which it was made clear that this form of development was inappropriate for this site and was not supported either by the local community or the Council, the application was withdrawn and the present proposal submitted in its place.

The current proposals have also been revised from the previous scheme to indicate the provision of a continuous open area along the boundary with Fort Horsted, to enhance the setting of the SAM and to provide an “unbuilt” area immediately in front of its present limits – in order to preserve buried structures associated with the Fort but outside the SAM designated area.

Access to the site utilises the existing main access point which is located directly on the small “gyratory” system formed by the junction of City Way, Horsted Way and Maidstone Road. A second access – which would be “left-in left-out” only would be provided towards the southern end of the site with the present central island in Maidstone Road extended to preclude right turning movements.

A public footpath runs east to west between the present developed area and the open field within the College ownership and application site and linking Maidstone Road with the housing development to the east.

Towards the southern end of the site the submitted illustrative plans show a small encroachment of the proposed development south of the line of the existing footpath. The applicants have been advised that built development beyond this logical boundary will not be acceptable and that the hedgeline along which the footpath runs should be regarded as a natural development boundary, even so this results in development extending onto a small area of the ALLI to the north of the footpath in the south-east corner of the site.

Site Area/Density

Site area: 8.11 hectares (20 acres)

Site density: not specified but should normally be within the “PPG3 range” of 30-50 dwellings/hectare (414 dwellings equates to 51 d.p.h.)

Relevant Planning History

MC2004/1694 outline application for redevelopment for residential open space and community facilities
Withdrawn February 2005.

Representations

The application has been advertised on site and in the press as Major Development and as Development affecting the setting of a Scheduled Ancient Monument.

Consultations were undertaken with the owners and occupiers of the following adjoining properties at: 243-259 and 572-588 City Way, 1-12 Primrose Close, 30-42 Maidstone Road and to 148 other individual residents who had commented on the previous application; a total of 185 in all.

Consultations were also undertaken with the following bodies and organisations:

English Heritage, Kent County Council Heritage Conservation (Archaeology), Kent Police (Crime Reduction), Rochester Airport, Kent Wildlife Trust, Ancient Monuments Society, Southern Water, Transco, Seeboard, Rainham, Gillingham and Chatham Amenity Society, Fort Amherst Lines Trust.

In addition, a public meeting was convened at the Davis Estate Community Centre on 9th June 2005 attended by over 100 residents at which the applicants presented their proposals and officers dealt with questions.

A total of 43 individual responses have been received in respect of this new proposal. These raised objection on the following grounds:

- Development out of keeping with the area
- No need for commercial development as part of it and would attract heavy goods vehicles into the area.
- Need for better pedestrian facilities on Maidstone Road
- Traffic congestion, overall
- Strain on inadequate public services – police, surgery provision, hospitals
- Inadequate schools
- Loss of habitat and wildlife

- High density development will cause social problems
- Loss of part of Horsted Farm
- Adverse effect on the Fort setting
- Poor utilities – drainage, water supply will be exacerbated
- Inadequate parking on-site

English Heritage objected to the 2004 proposal on the grounds that it was likely to cause harm to the setting and fabric of Fort Horsted. However, their view in relation to the current proposal is that the revision of the plans to indicate the margin of land between development and Fort Horsted addresses concerns although EH would still wish to be consulted on any detailed proposals which may follow.

Kent Police (Crime Reduction) accept the proposal is illustrative but drawings show a proliferation of pedestrian routes across and within the site which may lead to loss of safety overall. Apartment buildings should have their own defensible areas of open space. Car parking areas need to be located so surveillance is available.

Kent Wildlife Trust advise that the ecological study does give adequate information to provide a clear impression of the impact of development on wildlife. Registers a “holding objection” until a more detailed ecological assessment is available. Study submitted accepts that survey work is required in respect of Bats and Reptiles but has not been undertaken – inappropriate to leave until after planning permission is granted.

Southern Water advise that inadequate foul drainage in the area would necessitate new sewers having to be requisitioned. No surface water drainage capacity. Existing site drains to soakaways which would be acceptable solution in principle.

Development Plan Policies

Regional Planning Policy Guidance Note 9 (RPG9)

Kent Structure Plan 1996

Policy S1	Sustainable patterns of development
Policy S2	Quality of environment
Policy NK2	Medway Towns – strategic policy
Policy ENV15	Built environment
Policy ENV18	Ancient Monuments and Archaeological sites
Policy H7	Housing provision
Policy T17	Car parking
Policy T20	Transport infrastructure

Medway Local Plan 2003

Policy S1	Development strategy
Policy S4	Landscape and urban design
Policy S6	Planning obligations
Policy BNE1	General principles
Policy BNE6	Landscape design
Policy BNE20	Scheduled Ancient Monuments
Policy BNE21	Archaeological sites
Policy BNE34	Areas of Local Landscape Importance
Policy BNE39	Protected Species
Policy H3	Affordable Housing
Policy H4	Housing in urban areas
Policy H5	High density housing
Policy T11	Impact of development
Policy T13	Vehicle parking standards
Policy T23	Airport related development
Policy CF1	Loss of community facilities
Policy L9	Country Parks

Kent and Medway Structure Plan (Deposit Version) 2003

Policy SP1	Protecting and enhancing the environment
Policy MK2	Medway strategy
Policy QL1	Quality of development and design
Policy QL8	Archaeological sites
Policy QL10	Historic landscape features
Policy TP2	Transport and the location of development
Policy TP19	Vehicle parking standards
Policy HP4	Sequential approach to housing provision.

Planning Appraisal

Planning Policies and Principles of Development

The site is not the subject of any specific proposal in the Medway Local Plan. The southern portion is placed within the Area of Local Landscape Importance and is also in the countryside, outside the present boundary of the defined urban area. There are, therefore, constraints limiting the extent to which it could be developed but use for open space in association with adjoining housing is appropriate and has in fact taken place on land of similar designation adjoining the Davis Estate to the south-east.

The remainder of the site is undesignated since at the time the Local Plan was formulated Mid Kent College were not contemplating moving.

The proposals are for a mixed use development which would be primarily residential. A significant element of Class B1 use has been introduced however to provide for a mixed use in the interests of sustainability and in compliance with Government Guidance and to provide local employment and

to meet the needs of the small business sector. It is envisaged that this provision would be in the form of small units probably of 100m² or less although this remains to be resolved at the detailed stage.

The retail element is limited to one outlet suitable for a local convenience store. Larger scale provision would conflict with the local centre situated to the south at the entrance to the Davis Estate and opposite the Horsted Retail Park.

Similarly, the community facilities element is as yet undetermined but could take the form of a new surgery for which land could be set aside by condition.

The Local Education Authority has confirmed that there is no requirement for land to provide either a new Primary School or other education facilities on the site.

However if the proposals were submitted on a “freestanding” basis – i.e. unrelated to the proposal to relocate Mid Kent College to the Lower Lines site – they would be contrary to Local Plan policy CF1 in that it would lead to the loss of a significant existing community facility.

If the MKC proposal is granted planning permission, then use of the majority of the Horsted site for housing and associated uses would be acceptable in principle.

Residential development

The area of the site on which built development is proposed is within the existing built-up area. It is previously used land in an location readily accessible by public transport and is well related to existing employment, shopping and community infrastructure. Development for housing would be sustainable and accord with the relevant policy – HP4 – of the emerging Kent and Medway Structure Plan (KMSP).

The revised illustrative drawings show the provision of 414 dwellings, although no figure is stated on the application form. The drawings indicate that no development would be higher than 3 storeys.

The purpose of considering the illustrative drawings even though they are not part of the application and no “numbers” are sought at this stage is that they represent one way by which the site could be developed. The eventual developer would no doubt have their own views as to how the site could be developed within the constraints of the Conditions and Section 106 Agreement but the illustrative submission needs to be realistic if it is to support expectations about the quantum of development on site in the future.

This is addressed in detail in the Design section, following.

Design, Conservation and Heritage considerations

The first application submitted was predicated on a more intense form of development that included building right up to the boundaries with Fort Horsted. This was objected to on the basis that it damaged both the setting of the SAM and could also lead to damage to buried structures associated with it.

The present proposals introduce a continuous flow of open land around the Fort Horsted boundary. This is at least 10 metres wide although design and location of roads and parking areas could mean that built development was still further distant, which would clearly assist the setting of the Fort. This is a benefit on the present position since in places College buildings are extremely close to the boundary. Development which reflected the principles set out in the illustrative drawings would thus constitute a considerable improvement over the present situation as far as Fort Horsted is concerned.

Elsewhere the need for 3 storey buildings to accommodate the residential density implied by the drawings could be absorbed within the site by using the slopes to good effect. In addition, there are some “commercial 2 storey” buildings along the Maidstone Road site frontage at present which are similar in height and mass to residential 3 storey structures so location of higher development here – possibly associated with small business units on the ground floor – would not produce development which is out of scale with the present form of the site.

The site is not directly overlooked by any existing residential development so issues of residential amenity for existing occupiers does not arise. The main issue justifiably raised by residents in this context is that of visual intrusion since the site is on generally higher ground adjoining open land set at a lower level. Having said that the low rise but generally bulky buildings of the present College are not intrusive in the wider setting due in part to the extensive tree cover around the site margins.

Affordable Housing

In common with all large sites where housing is proposed the need for affordable housing has to be accommodated. Policy H3 of the Local Plan requires that 25% of units on the site should fall within the Affordable category and the applicants are agreeable to this being safeguarded in the Section 106 Agreement.

Landscape, Open Space and Amenity implications

The site would provide adequate informal open space for future residents but a contribution is being sought to off-site provision of formal playing fields. This will be secured in the Section 106 Agreement.

Care will need to be given to the treatment of site boundaries, particularly where the site adjoins either the Country Park or Fort Horsted and a detailed landscape scheme with supporting management and maintenance arrangements will be required.

Provision of Community Facilities

There is no current surplus of places in the schools which serve this area. Since no school is required on the site, Primary School places generated by the proposed development will need to be secured by a contribution in the Section 106 Agreement. In respect of Secondary provision, the applicants have argued that since the new College makes substantial provision for Education for the 14-18 age groups, a full contribution is not appropriate.

Transport Matters

The applicants have submitted a full Transport Assessment from which they conclude that the proposed development would not result in any material change in the overall levels of Traffic generation compared with the present use.

Following issues raised in the course of the public consultation process, they have undertaken to conduct further traffic counts on Saturdays since there would clearly be a difference between the situation of the College – which does not generate traffic at weekends – and a residential development of 400 plus units.

The further survey work has been only recently received but indicates no significant increase in traffic that would justify anything other than the improvements identified in the section 106 matters.

Conclusions and Reasons for Approval.

The redevelopment of the college is only acceptable in principle if the college is relocated in an enhanced form and an appropriate condition is recommended. The illustrative layout shows built development within the confines of the existing college and limits encroachment onto the designated open space while protecting the setting of the scheduled ancient monument. Access to the site is satisfactory from a highway safety point of view. The application (subject to the relocation of the college) complies with the Development Plan Policies set out above and the application is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being reported for Committee determination due to the extent of representations received expressing views contrary to the recommendation and because the proposal is part of a significant proposal which because of its scale and sensitivity merits consideration by Committee

[This application was considered by members at the Development Control Committee on the 17th August 2005, when it was determined to defer at officers request.]

5 MC2005/0647

Date Received: 4th April 2005

Location: Lower Lines Site, Prince Arthur Road / Medway Road, Gillingham, Kent

Proposal: Construction of college campus with a gross floor area of 28,510 square metres

Applicant: Mid Kent College / Holdfast C/O The Agent

Agent: Ms A Bloomfield Bloomfields Limited 66 College Road Maidstone Kent ME15 6SJ

Ward: River

Recommendation - Approve subject to:

(as amended by plan no. RSME/BR/04 received on 3rd August 2005)

- A) The application being referred to the Government Office for the South East (GoSE) under the provisions of DETR Circular 07/99; the Town and Country Planning (Development Plans and Consultation) (Departures) Direction 1999 as a Departure from the Development Plan;
- B) A Section 106 (or 299A) Agreement being entered into to secure the following:
- 1) Applicants to meet the full costs of setting up a Controlled Parking Zone within the residential area to the north and east of the application site to provide safeguarded on-street parking for residents.
 - 2) Applicants to set up financial arrangements (an Assisted Parking Scheme) to offset the cost of parking permits for defined groups of residents.
 - 3) The provision of a Toucan crossing facility on Prince Arthur Road in close proximity to the site entrance
 - 4) Contribution to the provision of additional bus services in line with the proposed enhanced provision set out in condition 19 should existing services prove inadequate following surveys undertaken pursuant to condition 19
 - 5) Unilateral Undertaking submitted by the Ministry of Defence, in which the Council will expect the following provisions to be made;

- a) ensuring that the areas shown dark green on the submitted plan RSME/BR/04, or such other plan as may be agreed with the Local Planning Authority, are
 - b) ensuring that permanent arrangements are made for the management and maintenance of the land referred to; and
 - 6) Improvements to the pedestrian route along Mill Road, including surface quality and Street Lighting.
 - 7) Two new larger capacity bus shelters on Brompton Road at the junction with Mill Road, incorporating real time information, bus boarders and static information display panels
 - 8) On road cycle lanes on Prince Arthur Road linking to Mill Road, the application site and Wood Street
 - 9) Cycle advance stop lines at Prince Arthur Road/Wood Street junction
 - 10) Pedestrian/cyclist crossing facility on Brompton Road close to the junction with Mill Road
- C) the imposition of the following conditions:-
- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
 - 2 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.
 - 3 All soil, vent and waste pipes apart from their terminations shall be constructed within the buildings.
 - 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 32 Class A of the General Permitted Development Order 1995) of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.
 - 5 None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.

- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels of contours; means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. external furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.
- 7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 8 No development shall take place until a full tree survey and tree plan, which has been undertaken in accordance with British Standard 5837, is submitted to and approved in writing by the Local Planning Authority. This survey and tree plan shall show the spatial relationship between trees and development and include details of retained trees, trees to be removed and tree protection measures.

In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

- 9 The premises shall be used for the purpose of education and training and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 10 No development shall take place until the developer has secured the implementation of:
- a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - b) following on from the evaluation, any safeguarding measures to secure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Authority.
- 11 No development shall take place until temporary protective fencing has been erected along the boundary with the Scheduled Ancient Monument (SAM) in accordance with details submitted to and approved in writing by the Local Planning Authority. The fencing shall remain in place until such time as the SAM has been brought into use as open space and permanent boundary demarcation has been put in place in accordance with plans submitted to and approved in writing by the Local Planning Authority.
- 12 No part of the development shall be occupied until car parking areas with provision for 320 vehicles have been provided, surfaced and drained and marked out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such details should include the access roads necessary to service the parking areas and the site and the pedestrian access through the site.
- 13 Prior to the commencement of development details of the proposed access shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development the approved access arrangements shall be completed. The proposed access shall incorporate improvements to street lighting in the vicinity of the access, dedicated facilities for pedestrians and cyclists and appropriate directional signing.
- 14 The area shown on the permitted drawings for vehicle parking shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.
- 15 During and after construction, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the

greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

- 16 Prior to any occupation of the development, a Green Travel Plan will be submitted in writing and approved by the Local Planning Authority including measures for effecting a "modal shift" to modes of transport other than the private car. The Plan shall thereafter be resubmitted to the Local Planning Authority for approval at intervals no greater than 3 years. The measures shall be implemented in accordance with a timescale agreed in writing with the Local Planning Authority as part of the Plan.
- 17 Prior to any occupation of the development, details of the design, location and capacity of secured covered cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details prior to the college being brought into use.
- 18 The external area of the site shall be lit in accordance with a lighting scheme installed on site before occupation of any building on site in accordance with details submitted to and approved by the Local Planning Authority.
- 19 Within three months of first use of the site by an enrolled total of more than 2500 full and part-time students, the applicants shall carry out a monitoring of bus usage and capacity of the local service and submit the findings in writing to the Local Planning Authority. Should bus capacity be found to be inadequate proposals to enhance provision shall be submitted in writing to the Local Planning authority within a period of a further 3 months.
- 20 Prior to the occupation of the development, a car parking strategy shall be submitted to and approved in writing by the Local Planning Authority to include the following provisions; charging policy, method of access control and enforcement, details of monitoring processes. The approved strategy shall be implemented prior to the bringing into use of the college.
- 21 No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 22 Prior to the commencement of any development on this site, an ecological survey shall be undertaken in relation to protected species on site. The survey shall set out the mitigation measures proposed in relation to protecting any species on site or setting out measures for their translocation. The survey shall be submitted to the Local Planning Authority for written approval and any approved mitigation measures shall be undertaken within the timescales set out in the approved document.

For the reasons for this recommendation for approval please see planning appraisal section and conclusions at the end of this report

Site Description

The site lies on the west side of Medway Road and Prince Arthur Road, between Khyber Road – a private access to Ministry of Defence installations and housing and open land to the north-east, beyond which is the southern end of housing in Kelly Avenue.

The site is bounded to the west by the line of fortifications which forms part of the ring of defences built in the 18th and 19th centuries to protect the former naval base and dockyard at Chatham Maritime. The survival of the Dockyard complete with these defences is almost unique and adds much to its overall architectural and historical significance. This is recognised by the inclusion of the Dockyard and its defences (including this site) on the UK tentative list for World Heritage Site status. Although in many places dilapidated and overgrown the fortifications themselves can be judged to be of national significance. This importance is reflected in their status as a 'Scheduled Ancient Monument'.

The Lines continue to the north, finally petering out at Johnson Avenue, beyond which is the Pembroke Barracks complex, now comprising the Universities of Greenwich and Kent Medway Campus.

To the south, beyond Khyber Road, are more modern buildings comprising part of the Royal School of Military Engineering (RSME) although the Lines continues to Fort Amherst, which is located immediately overlooking Chatham Town Centre.

To the east, the site is bounded by Prince Arthur Road, as far as the junction with Mill Road. Medway Road continues along the same alignment to the north –east.

On the far side of Prince Arthur Road is an area of allotments, but north east of the Mill Road junction the site is faced by existing housing, comprising a group of mid 19th century houses and cottages. Nos 78-80 (and Nile Cottage) in Mill Road and 4-20 Medway Road are Listed Buildings Grade II.

The site itself is part of the Lower Lines (the name given to the defences). It has historical significance as the former "field of fire" in front of the fortifications protecting the Dockyard from landward attack. It would originally have been bare of trees but is currently overgrown with thick undergrowth and substantial self-seeded trees. It has been used by the military over the years for a variety of training operations including "siege works" up to and including the First World War and minor engineering operations in more recent years. Some evidence remains of these works and also of works associated with the fortifications themselves although the extent of these is not known. There are also the remains of a variety of small buildings including a pair of cottages and surfaced areas, again largely concealed by vegetation including a large number of mature trees.

At present the overgrown and poorly maintained nature of the site is such that it contributes little to the area.

A Topographical survey supplied by the applicant indicates that the site falls by about 12 metres in all from Khyber Road to a spot height on Medway Road close to the eastern boundary.

At the same time, there is a general rise in site levels ranging from 4 to 10 metres from Prince Arthur Road and Medway Road up to the site boundary with the Lower Lines embankments.

The eastern end of the site is raised significantly and artificially to a local “plateau “ level. This part of the site overlies H.M.S.Wildfire which is a deep buried former command and control centre dating from 1937 comprising a network of tunnels thought to be at least 20 metres below surface level

The application site together with adjoining land to the north and south-east, and housing opposite and in Mill Road/Saunders Street (part) is included within the Brompton Lines Conservation Area.

Proposal

The proposal is to clear the site of its present buildings and structures – for which a separate application for Conservation Area Consent (MC2004/1729) has been submitted – and erect a new Campus for Mid Kent College.

The two existing College Campuses – at Horsted, Maidstone Road and at City Way, Rochester are the subject of separate planning applications – MC2005/0229 for Horsted and MC2004/1794 for City Way – for redevelopment for primarily residential purposes.

The proposed College building has been the subject of extensive discussions in respect of a wide range of issues including:

- Effect on the Scheduled Ancient Monument
- Effect on the Conservation Area, Listed Buildings and Landscape
- Scale, massing and architectural quality of the proposed building
- Car parking and implications for transportation, generally
- Relationship with the allocation of the site for open space in the Local Plan.

The current proposal comprises a series of 3 no. 5 storey teaching buildings, arranged as ‘fingers’ at 90 degrees to the Lower Lines and the road frontage. These are each in the order of 95m. in length 18m. wide and 23m in height from ground level to roof ridge. The building floor area has been reduced from 32788m² in the previous proposal to 28510m².

The three main buildings are linked by two lower structures which contain core functions such as main entrance and reception and display areas in one structure and Learning Resources centre in the other. From the front elevation they have the appearance of a fully glazed atrium. At the rear they are set into the sloping ground and have grassed areas taken up from in front of the Lower Lines and over the rear roof of the link buildings. The concept of ‘finger blocks’ linked by lower buildings is intended to preserve open views eastwards from the

fortifications or to be more accurate to recreate part of the open view which existed when the Lower Lines were in active military use.

Whilst the three buildings would be unquestionably large in scale and in sharp contrast to the residential area to the east, they present slim end elevations to the road. They directly overlook open land opposite and not the houses and cottages on Medway Road and Mill Road. They are set back from the highway by some 25 metres on average and the closest distance to houses on the corner of Medway Road and Mill Road is 70 metres in a diagonal relationship.

Vehicular access to the site is by a separate 'in' and 'out' arrangement. There is a small alighting area in front of the third building.

Car parking is contained in the area to the east of the third building, largely on the level 'plateau' above HMS Wildfire. Cycle racks are also proposed. Parking has been deliberately kept to a low level and only 320 spaces are proposed, a reduction of 360 from the earlier scheme. The philosophy of this is to facilitate genuine 'modal shift' away from car dependency and to give greater prominence to public transport and to walking and cycling. In addition it reflects constraints on site which prevent providing parking underground or a multi storey car park.

The residential area to the east of Medway Road and Mill Road is however, characterised by densely built 19th century terraces, with some later infill, but with very little off-street parking and hence dependent on the often narrow street network for parking, the proposals include provision for an extension of the present Controlled Parking Zone which subsists north of Gillingham Town Centre to cover the area as far as the dockyard rail link and also Kelly Avenue and the adjoining streets to the north. The submitted drawings provide for an area on the eastern site boundary of some 0.36ha to be laid out and maintained as open space accessible to the general public.

The proposals include a landscape strategy which profiles the open space between the rear of the 3 buildings and the Lower Lines as a series of steps, which seeks to replicate the historical layout of earthworks fringing the Ancient Monument.

The land immediately beyond the eastern boundary is allocated in the Local Plan for low density housing. This allocation is dependant upon a contribution towards the restoration of the scheduled ancient monument and the provision, improvement and maintenance of public open space in the vicinity of the site, amongst other criteria.

It should be noted that the whole of the application site is allocated as proposed open space in the Local Plan, and that any development is thus a departure from Council policy. If the Committee resolve to approve the proposal, it has to be referred to the office of the Deputy Prime Minister (GoSE) as a Departure from the Development Plan.

Site Area/Density

Site area: 4.31ha.

Relevant Planning History

MC 2004/1710 Erection of new Medway Campus for Mid Kent College
(32788m² building floorspace and 680 parking spaces)
Withdrawn April 2005.

Representations

The application has been advertised on site and in the press as a Major Development, development affecting the setting of a Scheduled Ancient Monument and a Departure from the Development Plan.

In view of the wide geographical implications of the proposed Controlled Parking Zone, neighbour consultation was extended to coincide with the likely maximum extent of the CPZ. In all, some 1600 households were consulted in the areas east and south of Medway Road and Mill Road and also between Medway Road and Johnson Avenue.

In addition, consultations were undertaken with the following bodies: English Heritage, Fort Amherst Heritage Trust, Open Spaces Society, Ancient Monuments Society, Sport England, Kent Wildlife Trust, Southern Water, the Georgian Group.

In response to the neighbourhood consultation, a total of 48 responses have been received. The following concerns have been raised:

- New College would exacerbate on street parking provisions
- Unreasonable to expect residents to pay for CPL permit when the problem is caused by the development
- Loss of area which has regenerated to woodland
- Harm to wildlife on site – e.g. owls and bats
- Modern design of College out of keeping with area
- Access should not be opposite existing houses
- Lack of proper environmental impact assessment
- Medway Road inadequate to cope with planned development, already
- Traffic calming required at Mill Road junction
- Car 'restraint' impractical
- Proposal would destroy the 'field of fire' causing loss of a site of major significance
- Adjoining site should be used instead

- Concern that MoD. partnership with the private sector is the determining factor, not planning principles

A number of respondents have indicated that they have no objection to the proposal in principle, but nevertheless continue to express concerns about one or more of the issues set out above.

In addition, a representation has been received from the Green Party Member of the European Parliament who raises concerns raised with her by constituents on the grounds of environmental harm and also inconvenience to local residents parking facilities caused by inadequate on-site parking provision.

The applicants have also forwarded letters of support from both local Members of Parliament, Robert Marshall-Andrews and Jonathan Shaw endorsing the proposals and pointing out that whilst they are aware of justifiable concerns of local residents the benefits of the proposal are considerable and long-lasting for Medway.

English Heritage have been fully involved in lengthy and detailed discussions resulting in the present proposals, and during the lifetime of the application but have always remained concerned about the impact of the proposals on the

- Setting of the ancient monument
- Character of the conservation area
- Setting of nearby listed buildings
- Potential loss of nationally significant archaeological remains.

E.H. have recently arranged to have the site examined by an in-house specialist on military archaeology who has concluded that there are likely to be significant findings in the 'glacis' area east of the foundations to the Lines.

E.H. continue to object to the proposal and further state that the removal of trees, opening up the aspect to the defences, is not an unrealistic prospect, especially within the context of a World Heritage Site bid. In contrast inappropriate development will jeopardise the chances of a successful World Heritage site nomination.

The above notwithstanding disposal of the site along with the adjacent local plan housing site is not accompanied by a development brief to ensure that future management of the land respects the significance of the site. In this case the lack of coordination of development across the two sites is emphasised by the lack of such a disposal brief. This is contrary to Government Guidance (The disposal of historic buildings ,1999, DCMS).

However, E.H. recognises the difficult decision the Council faces in balancing the requirement to protect and enhance the historic environment with the need for new educational facilities as a key component in the social and economic regeneration of the area. It urges the Council to refuse this application but to continue to work with the applicants to provide the required facilities in an alternative location.

If the application were to be approved thought must be given to the totality of open space across both the MKC and the adjacent housing site, and a full programme of archaeological investigative work should take place prior to any construction being undertaken. In addition the application should be used to secure positive benefit for the scheduled monument in order to compensate for the impact it would have on the setting of the monument.

The Open Spaces Society comment that this is an Improvement on earlier proposal, but change to open parking leads to unacceptable loss of open land. Welcome proposals to include area of open space – which should allow access to the Lower Lines. More details of cycle and pedestrian access strategy required. Applicant has not taken account of guidance in PPGA, relating to the value of open space even when not available for public access.

Ancient Monuments Society advises that the identification of site for educational use in the Medway Waterfront Renaissance Strategy gives questionable weight to the proposals as Strategy has not been through public consultation processes. Ironical that the potential educational value of the Lower Lines could be compromised by development of an educational facility. Proposals made no attempt to assess effect of the development on the proposed World heritage Site designation. Consider that the best use of the site would be in association with the Lower Lines housing site.

Southern Water advise that foul sewerage – no capacity in the existing system. New sewers would need to be requisitioned. Surface water sewerage – surface water will need to discharge to soakaways if effective or to land drainage watercourse. Water Supply – off site mains improvement required.

Kent Wildlife Trust note that new proposal includes more open space, but concerned at loss of designated site and question whether sufficient information on wildlife and biodiversity has been provided to demonstrate whether proposal meets criteria of Local Plan policies BNE38 and BNE40 (actually BNE 39). Ecological report submitted was only a 'baseline' study. Landscape strategy does not show how open space areas can be designed for both people and wildlife. Welcomes proposed 'green roofs' on the link buildings. Registers a 'holding' objection to the proposals until concerns are addressed.

Fort Amherst Heritage Trust Objects to the proposals on the following grounds:

- Consider the site is totally unsuitable for the proposed development. Buildings will destroy the context of the Lower Lines which retains the open 'field of fire'.
- Proposal does not meet standards expected in Conservation Areas
- Would have serious effects on the prospects of securing World Heritage Site status.
- Development would threaten network of siege tunnels under part of the site and prospect of restoration of HMS wildfire
- No attempt made by MKC to contribute towards the restoration and upkeep of the Lines.

The applicants have forwarded letters of support from the following organisations:

- University of Kent
- Kent & Medway Learning Partnership
- Holdfast
- Gateway Knowledge Alliance

- University of Greenwich
- Canterbury Christ Church University College
- Learning and Skills Council

In addition to the letters from MP's referred to, earlier.

Of these the LSC letter has particular significance since the Council is a funding agency for MKC and indicates that funding of around 25% of the capital cost of the new College will be made available by the LSC at national level which it points out is in itself a substantial inward investment into Medway. The LSC also point out that enhanced training provision normally has a direct benefit in the creation of new jobs in the area.

The following additional representations have been received:

The Heads of Governance of the three universities who are creating the Universities at Medway have written about the advantages of a joint campus and that the relocation of MKC will greatly facilitate collaboration between the Institutions and make it more possible to provide additional student support facilities. They consider the scheme will help fulfil the aspirations of many potential students and employers in both public and private sector

English Heritage has written having received a copy of the report to advise that it was hard to get the report right in order to balance the conflicting views but that the balance **has** been achieved. However they add that the proposal does not achieve the creation of enough open space adjacent to the fortification. The solution should be in addressing the totality of the site including the housing allocation.

2 further letters have been received objecting to the application re-iterating the grounds already set out in the report.

The MOD/Defence Estates/Holdfast have written in support of the application making the following comments:

- College part of consortium bidding for training soldiers within RSME and advantages and synergies of being located immediately adjacent are obvious
- One of reasons consortium decided on staying at Brompton was local economy and possible links with MKC on site.
- Will be new buildings on RSME site which will link in terms of use with MKC
- Financial advantages of doing everything together on one site in terms of build costs
- Can not build on Housing site due to treasury requirements to get best value for the land
- Application site is training area already with number of buildings and concrete batching and would not come forward for open space if college application not approved.
- Other sites considered but did not provide for links or address security issues properly
- Student housing is required and there is potential for this to go on housing site but cannot achieve both college and housing on that site.

The Principal Archaeological Officer KCC has written in support of English Heritage views but advises that if the application is resolved to be approved then 3 conditions should be attached. 2 are already included in the report and so one additional condition as set out above is required.

Development Plan Policies

Regional Planning Guidance note 9

Kent Structure Plan 1996

Policy S1	Sustainable patterns of development
Policy S2	Quality of environment
Policy S9	Community facilities and service
Policy NK2	Medway Towns – strategic policy
Policy ENV15	Built environment
Policy ENV17	Conservation Areas
Policy ENV18	Ancient Monuments and Archaeological sites
Policy ENV19	Listed Buildings
Policy T17	Car parking
Policy T20	Transport Infrastructure

Medway Local Plan 2003

Policy S1	Development strategy
Policy S4	Landscape and urban design
Policy S6	Planning obligations
Policy BNE1	General principles
Policy BNE6	Landscape design
Policy BNE12	Conservation Areas
Policy BNE14	Development in Conservation Areas
Policy BNE18	Setting of Listed Buildings
Policy BNE20	Scheduled Ancient Monuments
Policy BNE21	Archaeological sites
Policy BNE38	Wildlife corridors and stepping stones
Policy BNE39	Protected species
Policy BNE43	Trees and development sites
Policy L6	Open Space Allocations
Policy T1	Impact of Development
Policy T11	Development funded transport improvement
Policy T13	Vehicle parking standards
Policy CF7	Further, higher and adult education

Kent and Medway Structure Plan (Deposit Version) 2003

Policy SP1	Protecting and enhancing environment
Policy MK2	Medway – strategy
Policy QL1	Quality of development and design
Policy QL7	Conservation Areas
Policy QL8	Archaeological Sites
Policy QL9	Buildings of Architectural or Historic
Policy QL10	Historic landscape features
Policy TP2	Transport and the location of development
Policy TP19	Vehicle parking standards

Supplementary Planning Guidance

Brompton Lines Conservation Area Guidelines

Regional Planning Guidance – Thames Gateway Planning Framework. RPG9A

PPG13 - Transport

PPG15 - Planning and the Historic Environment

PPG 16 – Archaeology and Planning

PPG 17- Open Space

Planning Appraisal

1. Planning Status of the site and 'Departure' issues.

The whole of the application site is allocated for provision of open space by virtue of the Local Plan policy L6.

The present proposal retains some 0.36ha. for open space, separate from open areas within the setting of the proposed buildings, but since the site extends to 4.31ha, this equates to less than 10% of the site. An additional and at least equivalent area is proposed to be safeguarded on land immediately adjoining the eastern site boundary but this will not amount quantitatively to more than 15 – 20% of the allocated area. There is no potential site on which the balance of the allocation could be provided in the immediate vicinity of the Lower Lines/Medway Road area except perhaps the site currently allocated for housing in the Local Plan. This has not been considered in this context for various reasons (see later in report)

The application is therefore a Departure from the Development Plan and if it is resolved to approve it, has to be referred to the ODPM.

2. The Applicant's Case

The basis of the applicant's case for seeking to develop a sensitive site contrary to the provisions of an up to date local Plan is, broadly, threefold:

- The need to undertake considerable investment in new further education facilities in Medway, to address issues of low 'participation rates' by local young people and a lower than average level of educational attainment in the area for the non-university attending population.
- The need to provide improved facilities for the 14-18 age group in the Gillingham area, specifically, to encourage staying on in education post-16 and to provide up to date facilities currently lacking in existing schools and indeed in MKC itself.
- To benefit from the proximity of the expanding University campus of Greenwich and Kent at Pembroke and to further consolidate the concept of the 'city of learning'.

A Strategic Area Review for Young people in Medway has confirmed the presence of a combination of the low participation rates referred to above, plus a low proportion of Medway 18 year olds in higher education and the presence of 'skill gaps' in the local workforce.

MKC considers that a move to a single new site will enable a wider range of educational causes to be offered both of an academic and vocational nature, better suited to the needs of students. It already offers College-based vocational options for 14-16 year olds to re-motivate students who might otherwise be less successful and to increase participation after age 16.

A new College campus would also improve its ability to provide high quality workshop and IT training, in conjunction with facilities at the University Campus and possibly with the Royal School of Military Engineering.

All these factors are put forward by the College to support a move to the Lower Lines.

In addition to the 'conceptual' case for relocating to the lower Lines, Mid Kent college has also stated that the age and condition of the existing building stock at Horsted and City Way – many of which are in excess of 40 years old - leads to disproportionately high energy, running and maintenance costs and the split-site operation is inefficient.

The College have also indicated that an allocation of development finance from the Learning and Skills Council is more effectively spent on developing a new campus, rather than refurbishing existing buildings. A number of similar FE establishments elsewhere in Kent have received substantial investment for new sites and buildings in recent years and MKC is finding itself in a position where it is increasingly unable to match the quality of facilities on offer, elsewhere. This is ironic given MKC is located in an area identified in Regional Strategies as in need of regeneration.

Site Selection

Objections to the proposals have argued that there is no evidence that MKC have examined other possible sites and have instead opted directly for the Lower Lines.

It is also self-evident that MKC did not pursue the question of relocation to a new site in the context of the Local Plan process.

Whilst the strategic planning context is sympathetic to establishing a new college in proximity to the expanding Universities at Medway campus, the ability of the College to seek a new site does not appear to have become a realistic prospect until early 2003 when it became clear that L.S.C support for new investment might be forthcoming. By this time, the Local Plan was at the Adoption stage and it was too late to promote the new College through this route.

The College has submitted information in support of this application to show that alternative sites were considered. It should also be noted that the College is part of the RSME PPP consortium and will be contracted through this consortium to provide training for the army. Close proximity to the RSME complex is therefore advantageous.

The College undertook a "site search" largely within the parameters of the existing urban areas of Medway but including the MoD Chattenden land which currently lies outside the built-up area. A number of key planning criteria were set out including a preference for previously developed land in the urban area, and avoiding sites with major issues on ecology or archaeology, the avoidance of conflict with extant planning policies and synergy between the new College with existing RSME training facilities at Brompton.

Sites considered included the option of redeveloping on one of the existing MKC centres, sites within Chatham Dockyard, Akzo Nobel , land adjacent to the Gillingham By Pass and Temple Marsh, in addition to Chattenden.

Of the existing College sites, Horsted was considered to be off-centre to the main student catchment area, City Way was too small. Both would involve extensive disruption during construction.

Sites at Chatham Dockyard were also too small, no site was available at Rochester Riverside, Temple Marsh offered poor accessibility to the main urban area . The Collingwood site closer to the Lower Lines has residential value as did another possible site at the northern end of Chatham Dockyard. Finally, Chattenden was considered to be too remote to serve Medway as a whole.

The adjoining site between the present site and Johnson Avenue was not considered specifically as it was thought not to be available due to the site being allocated in the Local Plan for housing.

The applicants have been requested to reconsider this site following a number of comments made in the course of the consultation exercise and also at a member presentation in June. A recent response from the site owners the MoD has been received in the form of a joint statement from the MoD and their joint-venture development partner, Holdfast which confirms:

- the proposed site is not allocated for housing purposes which significantly reduces the land cost element. The site to the north is allocated in the Local Plan for residential purposes.

The MoD is required by law to secure the best value on disposal of its land for development . However, government guidance on the disposal of MoD land requires 'disposal development briefs' to be produced that take into account the heritage value of sites alongside potential land values. Such a brief has not been produced and it is therefore difficult for the MoD to argue that it has taken a proper coordinated view of the protection of heritage versus redevelopment value across both sites.

- Discussions are in progress to develop the "housing site" for student accommodation for the University Campus nearby – there is insufficient space for both uses. However this proposed use has not been discussed or agreed with the Council, even in principle.
- If the proposed site was not developed it would continue in military training use and would not come available to the Council for its designated open space use.

Other potential sites exist- for example the interface land at Chatham Maritime or (potentially) Kitchener barracks. However, these are not being made available by their owners at this present time. Despite this the site search is a reasonable assessment of what is available to the college now or in the near future. On the basis of this assessment and consistent with the strategic context, the College has concluded that the Lower Lines site are the most suitable option.

Ancient Monument and Archaeological Issues

The application site is flanked by one of the longest intact sections of the Lower Lines, a system of fortifications and earthworks forming part of the land-based defences of the former naval Base and Garrison at Chatham.

The Lower Lines remains in the ownership of the Ministry of Defence and security considerations continue to apply. It is unlikely that the entire complex of fortifications will become accessible to the general public, although it has been indicated that the field of fire on which the college will stand plus the associated fortifications immediately to the west could be come available

The Lines are a Scheduled Ancient Monument and are a unique series of artefacts, being part of the most complete set of military defences in the U.K.

The application site falls squarely within the setting of the SAM, in that it formed part of the open 'field of fire' in front of the defensive line and also in that structures associated with the Lines, although outside the scheduled area, extend beneath parts of the site.

Having said that, the present wooded and overgrown character of the application site – which is valued by local residents and conservation interests – is not consistent with its historic role. If the site was not to be developed and it was to be restored to character which reflected its historic functions, then some of the tree cover would need to be cleared and the undergrowth removed to allow the original earthworks and associated with the defences to be seen. This would leave the site in a more open state.

It can therefore be argued that if the development does not proceed and the site restored to reflect its functions, the benefits to ancient monument and archaeological interests would have to be weighed against harm caused to ecological and wildlife interests. However the impact of clearing undergrowth and some trees in order to open up the site for heritage or recreation purposes would be less than that of the college development.

During the 'lifetime' of the two planning applications submitted, concern has been raised in respect of buried artefacts which fall within two categories;

- 1) related to the Lower Lines
- 2) later structures – HMS Wildfire

On the first issue, English Heritage are clearly concerned that the College buildings are likely to be destructive of buried remains associated with the Lower Lines. Following 'desk top research' by the applicant's consultants, E.H. have undertaken an initial visual inspection using a specialist in military archaeology. His report has reinforced English Heritage's views of the site's significance. There is a real potential for the survival of the remains of the tunnels and other works associate with siege works, and of the earthwork features which would have been an integral part of the main (Scheduled Ancient Monument) ditch of the fortifications. These are of national significance and the presumption, in line with PPG 16 on archaeology should be in favour of preserving these.

EH state the need for further survey work (mainly by the clearance of undergrowth) targeted by a more thorough desk-top research than has been carried out hitherto. This should be carried out before the application is determined in order to more fully understand the impacts of the proposal upon the archaeology. However, EH go on to state that the impact of the proposals on the setting of the monument is sufficient to bring forward their advice on refusing this application. If the committee were to agree this stance there would quite clearly be no need for further archaeological evaluation at this stage.

Irrespective of English Heritage advice it is contended that the research and inspection carried out to date clearly indicates the sort of remains that exist and their significance. Irrespective of design, the decision to place buildings on this site means that substantial destruction of important archaeology will result. The application can be determined in this light and weighed against the potential benefits of the proposals without further survey work at this stage. A slight exception of this is the earthworks (covered way, counterscarp bank and infantry parapet) associated with the fortifications. Rough knowledge of their likely size indicates that it is likely that it will be possible to preserve these (where they exist) as a part of the scheme proposals. This may demand scheme amendments but it is thought that these will be minor.

It should be noted that a high proportion of the archaeological remains (tunnels , filled ditches etc.) would, even if cleared of undergrowth and suitably exposed, be very difficult to interpret for members of the public, and would not necessarily constitute safe or permanent features.

It will be vitally important to ensure that full recording to the highest standard is carried out before construction work begins.

The effect of this large scale proposed development on the visual setting of the existing SAM is also an important consideration.

The applicants have sought to minimise this loss by extensive redesign from the earlier submission. The large two level underground car park – which would have physically removed any buried archaeology – has been deleted and the number of buildings has been reduced from 5 to 3 – which with the ‘green roof’ design of the intervening links – will create views through the site since they do not exist at present and would not if it remained in its present condition.

On the second point, it is understood that HMS Wildfire is deep buried. The previous proposal showed a substantial building on this part of the site. The foundations of this building – ie deep piles if used – would be likely to have compromised the buried artefacts. The revised proposal shows a surface level car park which would not have such implications.

Overall, the revised scheme leaves the land immediately in front of the Lower lines fortifications undeveloped over a majority of the common boundary.

Conservation and Design

The site occupies a prominent location in the Brompton Lines Conservation Area. It offers a wooded appearance, extending up to a green local skyline, beyond which lies the largely invisible MoD housing area accessed by Khyber Road and Johnson Avenue.

The proposed development will clearly have a considerable visual effect on the Conservation Area setting, both by the necessary removal of much of the tree cover and the interposing of substantial new buildings.

Development in Conservation Areas is required by planning policy and guidance to at least preserve and preferably enhance the setting. The 'setting' in this instance can include the character and functions of an area, as well as its physical appearance. There is nothing to preclude new development in a Conservation Area as a matter of policy but what the tests to 'preserve and enhance' impose on the developer is a qualitative obligation to produce development of an appropriate form, scale and standard.

At the time, the first application MC 2004/1710 was submitted, advice given to the applicant which stated that the starting point was a presumption, clearly stated in the local plan, against a grant of planning permission. However, in addition to demonstrating that other unprotected sites are unsuitable or unavailable; it was accepted that there may be a case for overriding local plan policy provided that it could be demonstrated that the design is 'outstanding' enough to:

- i) overcome the presumption of only laying out open space and which enables a sufficiently attractive, large and well maintained open space to be provided by the college;
- ii) be worthy of its place alongside the scheduled ancient monument and the conservation area;
- iii) be outstanding architecture in its own right; and
- iv) ensure that the restoration and interpretation of the monument are part of the design concept.

In particular the concept of a college buildings in an open parkland setting allowing access to the Defences was emphasised.

The applicant's architects responded to this challenge in the Design statement submitted in support of the current application. The Design Statement identified a number of influences or themes which had been evolved, it takes its design context as the built forms which characterise Chatham Dockyard which the Architect defines as single and elegant but essentially utilitarian.

The elevations comprise a mixture of glazed and metal curtain walling to the base predominantly brick upper parts and a shallow-pitched metal standing- seam roof.

The link buildings have a light fully glazed appearance to the street frontage and are 'docked' onto the slope to give a natural continuation of ground level in front of the Lower Lines.

In terms of general building form, scale and relatively simple external treatment, the main building elements are reminiscent of historic structures in Chatham Maritime, in particular the oldest buildings – such as the Fitted Rigging house and the Covered Slips, rather than the Edwardian buildings at Pembroke.

The use of metal cladding and roofing and extensive glazed areas is a response to the availability of modern building techniques and materials, but the overall impression is not one of overtly modern design.

This enables the new buildings to relate better in general style to the 19th century cottages in Mill Road and Medway Road, the considerable separating distance and retained trees, also help to overcome the significant differences in scale between the two.

The proposals are supported by a detailed landscape strategy which embodies the following main elements.

- Retention of a large number of existing trees, especially on the Khyber Road frontage and towards the north-eastern end of the site.
- Re-profiling the boundary with the Lower Lines as a series of grassed terraces and sloped steps to recreate part of the landscape of the 'field of fire'
- New blocks of formal tree planting on the street frontage to complement the front elevation of the new buildings.
- Formal paved Plaza areas in materials contrasting with roads and pathways.

In addition, the overall design concept of thin 'fingers' of development separated by space is intended to allow views through the complex. This concept is likely to be more successful as viewed from the relatively elevated position of the fortification rather than from Prince Arthur Road.

The proposed College development is a well-planned and conceived proposal which retains some of the wooded character of the site. However, the overall size of the complex and the relative lack of open space to form a setting for the buildings and the monument is such that it would be difficult to argue that appearance of the Scheduled Ancient Monument or the Conservation Area would be comprehensively enhanced or restored.

Despite this, it is considered that the appearance and character of the Conservation Area and the quality of its setting, as it exists at present, would, whilst much changed, not be worsened by proposed development. There would be some small gains by the provision of an element of accessible open space shared between the MKC and the Local Plan housing site. Unfortunately proposals for the housing site have not come forward at this present time and it is therefore not possible to determine the overall quantum of open space shared between the two sites.

To overcome this uncertainty, the MoD have very recently offered to provide a Unilateral Undertaking to provide additional open space, comprising the whole of the present line of the Lower Lines fortifications throughout the length from Khyber Road to Johnson Avenue, in addition to a small area alongside the open space identified in the submitted proposals.

The land to which the offer relates comprises some 3.5 hectares. This is slightly less than the 4 hectares of the L6 allocation in the Local Plan but includes the area of the Scheduled Ancient Monument as open space and thereby ensures that it can be made accessible to the public at some stage in the future.

A Unilateral Undertaking can only be “delivered” by the party who controls the land. Discussions on the mechanism by which the land could come forward and be subsequently managed and maintained have yet to take place. However, this transaction, associated with the College development would bring the Lower Lines into use as a public amenity some years before it had been considered likely. On the basis of the MoDs’ views on the open space land without the College development, this has to be seen as a worthwhile public benefit which flows from the current proposals. Never-the-less the land on offer is not overgenerous and should be seen as the starting point for negotiations over the future of the housing site. It remains a weakness of the MKC allocation that it has not been possible to consider it alongside detailed proposals for the adjacent housing site.

In terms of the setting into which the development is proposed to be inserted, it is inevitable that using the site for substantial built development means that the original setting cannot be recreated.

However, it is felt that the extent of development close to the boundary is not so great as to compromise the impression of defences overlooking open land to the east (which would have extended to include the residential area beyond Medway Road).

On balance it is considered that an acceptable compromise is provided and the proposals can facilitate an adequate – and accessible – setting to the Lower Lines.

With respect to the issue of whether the development is of sufficient quality in its own right to be acceptable in this controversial setting the architecture is best judged as ‘competent’ rather than outstanding. However, given that in planning terms the primary requirement of the proposed buildings is to relate to the multiple facets of the site context, it is appropriate that they should be functional, carefully designed and well detailed in preference to being a ‘landmark’ design – i.e. they should “fit in” rather than make a statement. It is considered that they achieve these requirements and their somewhat understated character is right in these circumstances.

Open Space

Ecology and Environmental effects

A ‘baseline’ ecological study was submitted with the first application, MC 2004/1710. No more detailed work has been undertaken, subsequently. The study undertaken revealed no evidence of the presence of protected species, although a number of responses from residents allude to the presence of Bats and a number of unspecified song-bird species which may not be protected. The scarcity of detailed information is clearly not assisted by the inaccessibility of the site due to security considerations. The study did however recommend that further work should be undertaken to ascertain whether bats and reptiles are present on site –e.g. newts and slow worms.

The site has been unused for some years and has become overgrown with vegetation self-sown trees, which have grown up to 15-20 metres high in parts and it would not be surprising to learn that it has come to support a wide range of fauna and flora. Further work needs to be carried out in order to assess whether any statutory protection measures are necessary. Since the site is within a Conservation Area any demolition of buildings and structures on the site will be subject to Conservation Area Consent and therefore any necessary works in relation to protected species would need to be undertaken prior to demolition.

The designation of the site in the Local Plan is, as policy L6 previously noted, for proposed informal open space. No programme for implementation is attached to the designation although its conclusion on the proposals Map suggests that this should be during the life time of the Plan. Open Space of course has a value even if it is not acceptable, purely by virtue of being underdeveloped, but it is clearly not the intention that this site should remain so. Local Plan policy L6 advises that sites allocated for informal public open space will be safeguarded for that purpose. The issue in this case is whether retaining about 10% of the site for open space plus safeguarding a similar area on the adjoining land meets the identified requirement and provides adequate and usable open space to address local deficiencies.

The applicants have suggested that land on the adjoining site should be the subject of a Planning Obligation – i.e. a Unilateral Agreement to ensure the provision of open space before it comes forward for development.

Educational and Community Issues.

The advantages of developing a single Medway campus for MKC have been considered earlier in this report. Clearly, it will be more efficient for the College to operate from one main site in Medway rather than on a split-site basis (although MKC will retain the existing site in Oakwood Park, Maidstone) and there are major qualitative benefits to be obtained from providing a newly built facility with up to date equipment.

In its supporting documents, MKC also consider that the proximity of the Lower lines site to the expanding University Campus will enable further interchange between the two in terms of use of specialist facilities. MKC. consider that increased familiarity of its students with the University setting will stimulate an increase in the 'staying-on' rate of local students to higher – i.e. Post 18 Education.

MKC also wish to use a new College to provide greater use by the community, in support of the objectives of the Medway Community Plan. The Lower Lines site would be geographically closer to a number of wards with higher levels of deprivation and the College intends to open facilities such as Theatre, Dance Studio, Gym, catering, library, I.T., hairdressing and beauty therapy to local community access.

MKC is also a member of the Holdfast Consortium which has the status of "Preferred Bidder" for the Royal School of Military Engineering (RSME) Private Public Partnership (PPP) to provide training services to the RSME.

In addition to the potential 'synergy' between the facilities proposed by MKC at the Lower Lines and the University Campus at Pembroke, a similar mutual relationship can be forged between MKC and RSME, which has extensive workshops on adjoining sites. This will enable better use to be made of recent investments in learning provided by RSME at Brompton. In particular, Holdfast emphasise the advantages to local students of having access to 'state of the art' Construction Trades training facilities. This would be assisted by the close geographical proximity of the Lower Lines site.

Transport Matters

The Transport Assessment has been the subject of continual discussion between the applicants consultants and the Council.

The change of design and design philosophy from the previous proposal led to a major reduction in the level of on-site parking proposed – from 680 spaces to 320. As previously noted there were compelling planning and design reasons for reducing car parking and in particular the need to excavate large areas of the site for underground parking.

The TA concludes that with the “constrained” parking position traffic generation onto adjoining roads would not give rise to significant impact on key junctions such as Wood Street/Prince Arthur Road and Gillingham Gate.

Existing bus capacity has been confirmed as adequate by the operator, Arriva, but in the event that bus use increases beyond current capacity, additional services may need to be funded.

A number of improvements to local transport infrastructure have been identified and provision should be made for these in the Section 106 Agreement; namely

- Installation of Controlled Parking Zone (CPZ)
- Installation of Toucan crossing facility on Prince Arthur Road adjacent to the site entrance
- Improvements to the pedestrian route along Mill Road including surface quality and street lighting
- Two larger bus shelters at the Brompton Road/Mill Road junction with real-time information
- Cycle lanes on Prince Arthur Road
- Cycle advance stop lines at the Wood Street junction with Prince Arthur Road
- Pedestrian and cyclist crossing facility on Brompton Road close to Mill Road junction

A number of planning conditions have also been suggested.

Conclusions and Reasons for Approval

This is a case which involves conflicting issues. It has not been possible to resolve all these conflicts and careful evaluation is therefore necessary in order to reach a balanced decision.

On the one hand, the development of a new College is of very considerable social and educational benefit to the area and it is likely that the continued expansion of both the Higher

Education base in Medway – i.e. the Universities complex and Further Education – i.e. a new Mid Kent College and further investment in the RSME facility – will also lead to significant economic and employment benefits to the area. Investment in education and training is a cornerstone of the strategy for regeneration of the Thames Gateway in which Medway plays a crucial role. The benefits of close geographical proximity between a new College, the Universities and the RSME – the “synergy” referred to by the applicants – are also material to this case.

On the other hand, the new College development is substantial in its scale and character and is superimposed on a site which has been allocated for future open space in the Medway Local Plan. The development will have a significant impact on the Brompton Lines Conservation Area within which it is located and on the setting and fabric of the Lower Lines, which is a Scheduled Ancient Monument, which is unique within the UK. Large scale new development on this site may also influence considerations in relation to the proposal to include it within a proposed World Heritage Site.

The new College will also exert an influence on the area within which it is located by virtue of increased traffic movements and the need to initiate a Controlled Parking Zone in the adjoining residential area to safeguard the ability of local residents to park on-street – the only parking available to them and thus retain a specific “amenity” they currently enjoy. Some residents are likely to have to bear a cost associated with the CPZ, although this will not apply to all as a result of provisions in the Section 106 Agreement.

The College was not in a position to consider new sites in the course of the Local Plan process and it is true to say that the decision to promote a new College was taken in 2003 when a “funding window” became available through the Learning and Skills Council. It has however since considered other sites and although this site suffers from serious constraints it has not been able to identify other currently available sites which are less constrained and equally well located.

A number of issues remain to be addressed by the College should the Committee resolve to grant permission – Archaeological excavation needs to be undertaken to assess the extent of any effect on buried foundations associated with the Lower Lines and at the appropriate time wildlife surveys need to be undertaken especially with regard to the possibility of Bats roosting on the site.

The application as submitted involved the loss of about 90% of the allocated open space to which Local Plan policy L6 refers. More recently, however, the Ministry of Defence as owners of the application site and adjoining land has agreed that the lost open space should be replaced by making available the section of the Lower Lines between Khyber Road and Johnson Avenue as land which can be made available to the public. This is a worthwhile benefit and would enable access to the Lines by the public for the first time. Although it is not as substantial a benefit as that envisaged by the local plan, the MoD has made it clear that there was very little chance of implementing the local plan policy for open space in full.

Taking all of the above into consideration, it is considered that the balance of issues is in favour of the development and it is therefore recommended that the Committee resolve to grant planning permission and to forward the application to the Government Office to the South-East on this basis.

This application would normally be determined under delegated powers but is being referred for Committee determination due to the significance of the proposal and the sensitivity and balance of the issues involved.

[This application was considered by members at Development Control Committee on the 17th August 2005, when it was determined to defer a decision to enable a members site visit to be held.]
